

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2012

HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS FIRST SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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NOTE: Under Committee Rules, Mr. Rogers, as Chairman of the Full Committee, and Mr. Dicks, as Ranking
Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

DAVID LESSTRANG, DARREN BENJAMIN, JASON GRAY,
ERICA RHOAD, and COLIN VICKERY,
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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 2012

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

THURSDAY, APRIL 14, 2011.

Mr. SIMPSON. Good morning, and welcome to the committee members.

The Ranking Member is stuck in traffic, which is not unusual in this area, and will be a little late in coming in. Other members during the day will be in and out, that kind of stuff, but welcome to the first of two days of public witness hearings. Over the next two mornings, the subcommittee will hear from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee.

Each witness will be provided with five minutes to present their testimony. We have actually got the clock working today because we have to get through all of these and so you will have an idea of how much time you have. What it is, is the green light the first four minutes, yellow light for the next minute and then red light is at the end, and we have to keep testimony to that length of time so that we can get through them because at about 12:00 we have to be on the floor for the C.R. that will be coming up, and the rules of the House are that we cannot be in committee when a bill from our committee is on the floor. So we will have to adjourn by then. They say that the first votes are going to be sometime shortly after 12:00. I was going to yield to Mr. Moran for any opening remarks but he will enter those in the record.

Let me also say that your full testimony will be entered into the record so I would ask you to respect the time and so forth, and as I said, members will be coming in and stepping out as they have other committee assignments and those types of things also. So welcome to all of you.

Our first witness is the Hon. Glenn Thompson, Representative from Pennsylvania's 5th Congressional District.

Mr. Thompson, go ahead.

THURSDAY, APRIL 14, 2011.

U.S. FOREST SERVICE, WATER MANAGEMENT

WITNESS

**HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF PENNSYLVANIA**

Mr. THOMPSON. Well, Chairman, it is great to be with you this morning. Thanks for the opportunity just to weigh in briefly on some issues that I think are very important for consideration.

I represent, as you said, Pennsylvania 5th District, a very rural district, 22 percent of the land mass of Pennsylvania, a lot of natural resources, a lot of energy. We are real proud that 151 years ago Col. Drake sunk a well 37 feet, drilled oil commercially for the first time anywhere in the world, changed the world.

Mr. SIMPSON. Thirty-seven feet?

Mr. THOMPSON. Thirty-seven feet with a wooden bit.

And we have a lot of those natural resources—coal, oil, natural gas, timber, timber harvesting—and a long history in the 5th District and certainly continue to be an economic engine for the region.

Today, Pennsylvania has returned to our energy roots with newly realized Marcellus Shale natural gas play, and this region has already produced enormous economic benefits in my region, which has struggled tremendously to create jobs and to maintain population over the past decades. This development is not a short-term economic boom. To the contrary, the prosperity Marcellus has created will continue for generations. We have the Utica Shale under the Marcellus, another play. Upwards of 80,000 jobs have already been created in Pennsylvania as a direct result of the Marcellus Shale, and Pennsylvania estimates an additional \$600 million in tax revenues alone this year. This increase in revenue will also of course increase in time, and although the production of the Marcellus is still in its infancy, it is already providing 10 percent of the entire Northeast natural gas supplies.

The supplies generated from the domestic production has led to decreased commodity pricing while foreign petroleum prices continue to rise due to political turmoil in foreign lands.

Now, natural gas, bear in mind, is not a world market, which means that we in the United States can control its price through simply supply and demand. It has been estimated the Marcellus output will greatly increase in coming decades, making this cleaner fuel source more affordable to our Nation's families and industries.

While somebody suggested the industry requires new regulatory oversight from Congress or the EPA in particular, the fact remains that the Commonwealth of Pennsylvania has done a remarkable job regulating Marcellus activities through the Pennsylvania Department of Environmental Protection. We have some of the toughest environmental laws in the country, and I fully support regulation of this industry by the Pennsylvania Department of Environmental Protection.

This subcommittee plays an important role in my district and many areas like it around the country. Therefore, I want to make the subcommittee aware of my priorities and the great needs of my district during these difficult financial times.

Specifically, with the U.S. Forest Service, Allegheny National Forest, just down the road from Col. Drake's well is the Allegheny National Forest, or ANF for short. This forest nurtures the finest, most valuable hardwoods in the world, and the ANF in particular is known for its cherry. The ANF indeed is a special forest with a unique history intertwined with production of oil and natural gas and timber. It actually was an oil field before it became a national forest 87 years ago. Pump jacks are a part of its scenery.

When the forest was created in 1923, mineral estates were severed from the Forest Service ownership of the surface, and this was done with the clear intention to allow timber and oil production to continue and allow for the Forest Service to oversee managed sustainable timber harvesting. Now, consequently, 93 percent of the subsurface mineral rights are still owned by the private sector, which drives the local labor market and economy. I found it frustrating to watch as the ANF struggled to perform critical functions as their budget was continually reduced as a result of Western wildfires. The FLAME Fund has been crucial in providing insulation to the budgets of our national forest, and I applaud the subcommittee for their input in the creation of the fund and support through appropriations. I can say that the fund appears to be a success because forests such as the Allegheny Forest have not been experiencing the historical difficulties wildfires have caused in the past financially.

Perhaps the greatest challenge to the Forest Service continues to be unnecessary litigation that continues to hamstring the Forest Service from carrying out its basic duties. Without a doubt, we all have a duty to ensure the Forest Service is adequately performing and the legal avenue for the public to address any malfeasance must be intact. However, I strongly believe there are some outside the service as well as within who are intentionally abusing the system based on a radical environmental ideology. These legal battles often create inefficiencies and are a drain on the service's budget, staff and resources.

Now, how can the Forest Service or any government agency, for that matter, do its basic job when they are incessantly involved with frivolous lawsuits? As the chairman of the House Agriculture Subcommittee on Conservation, Energy, and Forestry, I believe that there is an imperative to address these issues and respectfully request your partnership to make necessary improvements.

Forest Service research stations—in addition to providing a substantial source of timber, another pillar of the Forest Service mission is to maintain forest health. Part of maintaining healthy forests is research and subsequent application. Pennsylvania and many other states have suffered devastating effects as a result of invasive species such as the gypsy moth and the emerald ash bore. I brought some along. I wish I would have brought you along one of the nice baseball bats we make with that ash too. This is the season to use those.

Given the devastation that has occurred in the large regions of the country, it is critical that we continue research to establish best practices and means of combating these species in order to prevent further destruction of our forests.

Fish and Wildlife Service—the U.S. Fish and Wildlife Service has been performing excellent research in order to assist with the restoration of fish populations around the country. They made great strides in the Northeast, particularly with the Atlantic salmon, which has been devastated in recent decades, and certainly there is a research facility in Pennsylvania that is doing incredible work with salmon species as well as advanced research in fish genetics and migration patterns. And I certainly respectfully request level funding in fish and wildlife, particularly for fish-related research.

And the final area has to do with Payments In Lieu of Taxes and Secure Rural Schools. Four of the 17 counties in the Pennsylvania 5th District are within the boundaries of the Allegheny National Forest. The Payments In Lieu of Tax program is essential in this region because there is little or no tax base, which means little or no tax revenue for these forested counties. PILT is a major source of funding for services such as the police force, firefighters, road construction. Similarly, Secure Rural Schools programs ensure that children who reside in these forest counties receive adequate education and therefore I respectfully request full funding for both PILT and Secure Rural Schools.

I want to thank you for the opportunity to testify before the committee and I am hopeful that as we move forward that the subcommittee will recognize the balance between fiscal responsibility and continuing our federal commitments to our national forests and citizens residing in forested counties, and I would certainly be happy to answer any questions you have. I appreciate it, Chairman. Thanks.

[The statement of Glenn Thompson follows:]

Congressman Glenn 'GT' Thompson (PA-05)

**Testimony before the House Appropriations Subcommittee on the Interior, Environment, and
Related Agencies – April 14, 2011**

Chairman Simpson, Ranking Member Moran, thank you for the opportunity to testify before the Subcommittee today. I am Congressman GT Thompson of Pennsylvania's Fifth Congressional District.

Representing one of the most rural districts east of the Mississippi River presents many challenges, as well as opportunities. My Congressional district makes up about 22% of the Commonwealth of Pennsylvania, which is an area about 3,000 square miles larger than the state of New Jersey.

Natural resources, including coal, oil, natural gas, and timber harvesting, have had a long history in the fifth district and continue to be major economic engines throughout the region. In fact, the petroleum industry started in Titusville, when Colonel Edwin Drake drilled the world's first commercially successful oil well in 1859. This breakthrough, of course, was a major discovery that was a major driver of the American Industrial Revolution during the latter half of the 19th Century. This discovery not only shaped America's place in the world, but also has had a profound effect on world history.

Today, Pennsylvania has returned to our energy roots with the newly realized Marcellus Shale natural gas play. This resource has already produced enormous economic benefits in my region, which has struggled tremendously to create jobs and maintain population over the past several decades. This development is not a short term economic boon. To the contrary, the prosperity Marcellus has created will continue for generations. Upwards of 80,000 jobs have already been created in Pennsylvania as a direct result of the Marcellus and the Commonwealth has estimated an additional \$600 million in tax revenues this year alone. This increase in revenue will also of course only increase in time. Although production in the Marcellus is still in its infancy, it is already providing about 10% of the entire northeast's natural gas supplies. The surplus generated from this domestic production has led to decreased commodity pricing, while foreign petroleum prices continue to rise due to political turmoil in foreign lands. It has been estimated that Marcellus output will greatly increase in the coming decades, making this cleaner fuel source more affordable for our nation's families and industries.

While some may suggest the industry requires regulatory oversight from the Congress or the EPA, the fact remains that the Commonwealth has done a remarkable job regulating Marcellus activities through the Pennsylvania Department of Environmental Protection. We have some of the toughest environmental laws in the country and I fully support regulation of this industry by the Pennsylvania DEP.

This Subcommittee plays an important role in my district and many areas like it around the country. Therefore, I wanted to make the Subcommittee aware of my priorities and the great needs of my district during these difficult financial times.

US Forest Service/Allegheny National Forest

Just down the road from Colonel Drake's well is the Allegheny National Forest – or the ANF for short. This forest, nurtures the finest and most valuable hardwoods in the world. The ANF is particularly known for cherry. The ANF is indeed a special forest, with a unique history intertwined with production of oil, natural gas and timber. When the forest was created in 1923, mineral estates were severed from the Forest Service's ownership of the surface. This was done with the clear intention to allow timber and oil production to continue; and allow for the Forest Service to oversee and manage sustainable timber harvesting. Consequently, 93% of the subsurface mineral rights are still owned by the private sector, which drives the local labor market and economy.

I find it frustrating to watch as the ANF struggles to perform critical functions as their budget has been continually reduced as a result of western wildfires. The FLAME fund has been crucial in providing insulation to the budgets' of our national forests, and I applaud the Subcommittee for their input into the creation of the fund and support through appropriations. I can say that the fund appears to be a success, because forests such as the Allegheny have not been experiencing the historical difficulties wildfires have caused in the past.

Perhaps the greatest challenge to the Forest Service continues to be unnecessary litigation that continually hampers the Forest Service from carrying out its most basic duties. Without a doubt, we all have a duty to ensure the Forest Service is adequately performing and the legal avenue for the public to address any malfeasance must be intact. However, I strongly believe there are some outside the Service, as well as within, who are intentionally abusing the system based on a radical environmental ideology. These legal battles often create inefficiencies and are a drain on the Service's budget, staff and resources. How can the Forest Service – or any government agency for that matter – do its basic jobs when they are incessantly involved with frivolous lawsuits? As the Chairman of the House Agriculture Subcommittee on Conservation, Energy and Forestry, I believe there is an imperative to address these issues and respectfully request your partnership to make necessary improvements.

Forest Service Research Stations

In addition to providing a sustainable source of timber, another pillar of the Forest Service's mission is to maintain forest health. Part of maintaining healthy forests is research and its subsequent application. Pennsylvania and many other states have suffered devastating effects

as a result of invasive species such as the Gypsy Moth and the Emerald Ash Borer. Given the devastation that has occurred in large regions of the country, it is imperative that we continue research and to establish best practices and means of combating these species in order to prevent further destruction of our forests.

The Forest Service operates two excellent research stations in Pennsylvania. One is located in the fifth district and the other is located in the south east portion of Pennsylvania, in Chester County. With some of the other increases to the Forest Service's budget – particularly the Legacy program – it makes little sense to reduce the operations of these stations because of the valuable scientific information they provide, which in turn is critical to keep our national forests healthy. Therefore, it is vital that these stations receive level funding for Fiscal Year 2012 in order to perform this basic function of the Service's mission. This is specifically important with regard to the Forest Inventory & Analysis National Program because of their efforts to stop the spread of the Emerald Ash Borer.-

Fish & Wildlife Service

The U.S. Fish & Wildlife Service has been performing excellent research in order to assist with the restoration of fish populations around the country. They have made great strides in the Northeast, particularly with the Atlantic Salmon, which has been devastated in recent decades. There is a research facility in Pennsylvania that is doing incredible work with this salmon species, as well as advanced research in fish genetics and migration patterns. Given the importance of this extensive ecological work, I respectfully request level funding for the Fish & Wildlife Service, particularly for fish related research.

PILT/ Secure Rural Schools

Four of the 17 counties in Pennsylvania's Fifth District are within the boundaries of the Allegheny National Forest. The Payments in Lieu of Taxes Program is essential in this region because there is little to no tax base, which means little to no tax revenue for these forested counties. PILT is the major source of funding for services such as the police force, firefighters, and road construction. Similarly, the Secure Rural Schools program ensures that children residing in these forested counties receive adequate education. Therefore, I respectfully request full funding for both PILT and Secure Rural Schools.

Conclusion

Thank you for the opportunity to testify before the Subcommittee. I am hopeful as we move forward that the Subcommittee will recognize the balance between fiscal responsibility and continuing our federal commitments to our National Forests and citizens residing in forested counties. I'd be happy to answer any questions you may have.

Mr. SIMPSON. Thank you. Thanks for your testimony. We appreciate you being here today. Some of us in the West always think that all the rural areas are in the West, but it is a learning experience for us that Pennsylvania and New York actually and other places have some very rural areas and issues that are of concern and similar to those of us in the West, so I appreciate you being here.

Mr. THOMPSON. Well, I am a proud member of the Western Caucus.

Mr. SIMPSON. And I appreciate it. Thank you.

Mr. THOMPSON. Thanks, Chairman.

Mr. SIMPSON. You bet.

Next is Gregory Conrad, Executive Director of the Interstate Mining Compact Commission. Welcome.

THURSDAY, APRIL 14, 2011.

U.S. FOREST SERVICE, WATER MANAGEMENT

WITNESS

GREGORY CONRAD, EXECUTIVE DIRECTOR, INTERSTATE MINING COMPACT COMMISSION

Mr. CONRAD. Good morning. My name is Greg Conrad and I serve as Executive Director of the Interstate Mining Commission, which is a multi-state governmental organization representing the natural resource and environmental protection interests of our 24 member states who regulate the mining industry and reclaim abandoned mine lands. I am also appearing today on behalf of the National Association of Abandoned Mine Land Programs, which consists of 30 states and tribes that do the AML work.

Mr. Chairman, these are tough states for state and federal budgets, and we realize the deficit reduction and spending cuts are the order of the day. As a result, some hard choices need to be made about how we spend limited dollars in an efficient and effective way. The environmental protection associated with mining operations is no exception. While we might want to run Cadillac programs that accomplish all of our goals and objectives, prioritization is the watchword of the day and we have to be mindful of every dollar that is expended on behalf of our citizenry.

One of the tough choices that has to be made with respect to programs under the Surface Mining Control and Reclamation Act is who will take the lead in implementing the act's requirements. Once we agree upon that, it is then incumbent upon both state and federal governments to prioritize funding decisions to support the lead agencies.

Congress created a state primacy approach under SMCRA whereby state governments were vested with exclusive regulatory authority to operate programs for both active mining operations and AML restoration following approval of those programs by the Federal Government. The act also provides for grants to states that meet 50 percent of their program operations under Title V and 100 percent under Title IV for AML.

Once again in fiscal year 2012, we are faced with a decision about the extent to which the Federal Government will support

these funding commitments under SMCRA and the state lead concept for program implementation. OSM's budget proposes to move us away from those commitments and concepts. The Administration would have us believe that the Federal Government is in a better position to decide how these state programs should be run and that the states should do so with less money and more oversight. At the very same time, additional mandates and program requirements are being placed on the states through new rules, directives, guidelines and agreements among federal agencies. In this regard, I would like to submit for the record a resolution concerning state primacy adopted by IMCC at its annual meeting last week.

Mr. SIMPSON. You bet.

Mr. CONRAD. Something has to give, Mr. Chairman. Either we agree to support the states as envisioned by SMCRA or we change the rules of the game. Undercutting the states through unrealistic funding restrictions that jeopardize the efficacy of state programs is no way to run a ship. States are struggling to match federal dollars and signals from the Federal Government that it is wavering in its support concerning both dollars and confidence in the states' ability to run effective regulatory and AML programs will do little to build trust. This is not the time to reverse the course that Congress has set for its support of state programs over the past few years. And in that regard, we are particularly encouraged and appreciative of the recent decisions to support state programs in the fiscal year 2011 C.R.

For 2012, we urge the subcommittee to reject OSM's proposed cut of \$11 million for state Title V grants and restore the grant level funding to \$71 million as supported by our funding request. We also request that the subcommittee instruct OSM to pursue any cost recovery proposal with the states before utilizing it as a mechanism to offset cuts to state grant funding in its budget. OSM's proposal is completely out of touch with the realities associated with establishing or enhancing user fees. Based on a recent polling of my member states, we found that it would be difficult, if not impossible, for most states to accomplish this feat at all, much less in one fiscal year.

With respect to the AML program, we face a more extreme situation. OSM is proposing to terminate the AML emergency program, eliminate funding to certified states and tribes, and completely overhaul the mechanism for distributing AML grants to the rest of the states. In doing so, OSM will totally upend the work that Congress accomplished just five years when it redesigned and reauthorized Title IV of SMCRA. That Congressional action was the result of over 10 years of effort toward developing a compromise that met the original intent of SMCRA and the needs of the affected parties. I would like to submit for the record a list of questions regarding this legislative proposal by OSM in their budget, which we believe must be answered before moving forward.

The AML program has been one of the key successes of SMCRA, and based on Congressional action in 2006, it is well positioned to remain so into the future. We therefore urge the subcommittee to once again reject the Administration's proposals to undermine this vital program and to fully fund state and tribal programs and the

emergency program. And in this regard, I would like to submit for the record two resolutions adopted by IMCC and the National Association of Abandoned Mine Land Programs along with a written statement from the association.

Thanks for the opportunity to present our testimony.

[The statement of Gregory Conrad follows:]

Statement of Gregory E. Conrad, Executive Director, Interstate Mining Compact Commission re the FY 2012 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Appropriations Subcommittee

My name is Gregory E. Conrad and I am Executive Director of the Interstate Mining Compact Commission (IMCC). I appreciate the opportunity to present this statement to the Subcommittee regarding the views of the Compact's member states on the Fiscal Year (FY) 2012 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting \$60.3 million to fund Title V grants to states and Indian tribes for the implementation of their regulatory programs, a reduction of \$11 million or 15% below the FY 2010 enacted/FY 2011 CR level. OSM also proposes to cut discretionary spending for the Title IV abandoned mine land (AML) program by approximately \$6.8 million, including the elimination of funding for the emergency program, and a reduction in mandatory AML spending by \$184 million pursuant to a legislative proposal to eliminate all AML funding for certified states and tribes.

The Compact is comprised of 24 states that together produce some 95% of the Nation's coal, as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources, and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of \$60.3 million for Title V grants to states and tribes in FY 2012, an amount which is matched by the states each year. These grants support the implementation of state and tribal regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs.

In Fiscal Year 2010, Congress approved an additional \$5.8 million increase for state Title V grants over the FY 2009 enacted level, for a total of \$71.3 million. This same amount was approved for FY 2011. For the first time in many years, the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states and tribes. The states are greatly encouraged by the significant increases in Title V funding approved by Congress over the past three fiscal years. Even with mandated rescissions and the allocations for tribal primacy programs, the states saw a \$12 million increase for our regulatory programs over FY 2007 levels. As we noted in our statement on last year's budget, state Title V grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

In its FY 2012 budget, OSM has once again attempted to reverse course and essentially unravel and undermine the progress made by Congress in supporting state programs with

adequate funding. This comes at precisely the wrong time. The states are still in the process of putting the recent improvements in funding to work in their programs through the filling of vacant positions and the purchase of much needed equipment. As states prepare their future budgets, we trust that the recent increases approved by Congress will remain the new base on which we build our programs. Otherwise we find ourselves backpedaling and creating a situation where those who were just hired face layoffs and purchases are canceled or delayed. Furthermore, a clear message from Congress that reliable, consistent funding will continue into the future will do much to stimulate support for these programs by state legislatures and budget officers who each year, in the face of difficult fiscal climates and constraints, are also dealing with the challenge of matching federal grant dollars with state funds. In this regard, it should be kept in mind that a 15% cut in federal funding generally translates to an additional 15% cut for **overall** program funding for many states, especially those without federal lands, since these states can only match what they receive in federal money.

OSM's solution to the drastic cuts for state regulatory programs comes in the way of an unrealistic assumption that the states can simply increase user fees in an effort to "eliminate a de facto subsidy of the coal industry." No specifics on how the states are to accomplish this far-reaching proposal are set forth, other than an expectation that they will do so in the course of a single fiscal year. OSM's proposal is completely out of touch with the realities associated with establishing or enhancing user fees, especially given the need for approvals by state legislatures. IMCC's recent polling of its member states confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than one year. OSM is well aware of this, and yet has every intention of aggressively moving forward with a proposal that was poorly conceived from its inception. We strongly urge the Subcommittee to reject this approach and mandate that OSM work through the complexities associated with any future user fees proposal in close cooperation with the states and tribes before proposing cuts to federal funding for state Title V grants.

At the same time that OSM is proposing significant cuts for state programs, the agency is proposing sizeable increases for its own program operations (\$4 million) for federal oversight of state programs, including an increase of 25 FTEs. OSM justifies this increase based on its "new strategic direction", i.e. expanded and enhanced oversight of state regulatory programs and strengthened stream protections to maintain the hydrologic balance of watersheds pursuant to the June 2009 Memorandum of Understanding with the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency. However, as we have articulated on numerous occasions over the past 18 months in comments submitted to the agency, OSM has never fully explained or justified the basis for these new directions. In fact, OSM's annual oversight reports indicate that, in general, the states are doing a commendable job of implementing their programs.

In making the case for its funding increase, OSM's budget justification document contains vague references to the need for improvement in approximate original contour (AOC) compliance and reevaluation of bonding procedures in 10 states with respect to bond adequacy. OSM also notes a marked increase in the number of potential violations pursuant to enhanced federal oversight inspections during FY 2010. However, when placed in context, neither of these two explanations justifies the significant increase in funding for federal operations. Increasing

the number of federal inspections can logically be expected to generate more Ten-Day Notices, especially where state regulatory authorities are not invited to accompany federal inspectors (as required by OSM's own regulations). The oversight process can also be expected to identify areas of potential program improvement, especially where OSM has designated certain areas for more intensive, nationwide review, as it did in FY 2010 with regard to AOC and bond adequacy. Again, the overall performance of the states as detailed in OSM's annual oversight reports demonstrates that the states are implementing their programs effectively and in accordance with the purposes and objectives of SMCRA.¹

In our view, this suggests that OSM is adequately accomplishing its statutory oversight obligations with current federal program funding, and that any increased workloads are likely to fall *upon the states*, which have primary responsibility for implementing appropriate adjustments to their programs identified during federal oversight. In this regard, we note that the federal courts have made it abundantly clear that SMCRA's allocation of exclusive jurisdiction was "careful and deliberate" and that Congress provided for "mutually exclusive regulation by either the Secretary or state, but not both." *Bragg v. West Virginia Coal Ass'n*, 248 F. 3d 275, 293-4 (4th Cir. 2001), cert. Denied, 534 U.S. 1113 (2002). While the courts have ruled consistently on this matter, the question remains for Congress and the Administration to determine, in light of deficit reduction and spending cuts, how the limited amount of federal funding for the regulation of surface coal mining and reclamation operations under SMCRA will be directed – to OSM or the states. For all the above reasons, we urge Congress to approve not less than \$71 million for state and tribal Title V regulatory grants, as fully documented in the states' and tribes' estimates for actual program operating costs.²

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. Beginning with FY 2008, state Title IV grants are funded primarily by mandatory appropriations. As a result, the states should have received a total of \$498 million in FY 2012. Instead, OSM has budgeted an amount of \$313.8 million based on an ill-conceived proposal to eliminate mandatory AML funding to states and tribes that have been certified as completing their abandoned coal reclamation programs. This \$184.2 million reduction flies in the face of the comprehensive restructuring of the AML program that was passed by Congress in 2006, following over 10 years of Congressional debate and hard fought compromise among the affected parties. In addition to the elimination of funding for certified states and tribes, OSM is also proposing to reform the distribution process for the remaining reclamation funding to allocate available resources to the highest priority coal

¹ While not alluded to or fully addressed in OSM's budget justification document, there are myriad statutory, policy and legal issues associated with several aspects of the agency's enhanced oversight initiative, especially three recently adopted directives on annual oversight procedures (REG-8), corrective actions (REG-23) and Ten-Day Notices (INE-35). IMCC submitted extensive comments regarding the issues associated with these directives and related oversight actions (including federal inspections) on January 19, 2010, July 8, 2010 and January 7, 2011.

² We are particularly concerned about recent OSM initiatives, primarily by policy directive, to duplicate and/or second-guess state permitting decisions through the reflexive use of "Ten-Day Notices" as part of increased federal oversight or through federal responses to citizen complaints. Aside from the impact on limited state and federal resources, these actions undermine the principles of primacy that underscore SMCRA and are likely to have debilitating impacts on the state-federal partnership envisioned by the Act.

AML sites through a competitive grant program, whereby an Advisory Council will review and rank AML sites each year. While we have not seen the details of the proposal, which will require adjustments to SMCRA, it will clearly undermine the delicate balance of interests and objectives achieved by the 2006 amendments. It is also inconsistent with many of the goals and objectives articulated by the Administration concerning both jobs and environmental protection, particularly stream quality. We urge the Congress to reject this unjustified proposal, delete it from the budget and restore the full mandatory funding amount of \$498 million. In this regard, we endorse the testimony of the National Association of Abandoned Mine Land Programs (NAAML), which goes into greater detail regarding the implications of OSM's legislative proposal for the states.

We also urge Congress to approve continued funding for the AML emergency program. In a continuing effort to ignore congressional direction, OSM's budget would completely eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). When combined with the great uncertainty about the availability of remaining carryover funds, it appears that the program has been decimated. Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the states and OSM to address the unanticipated AML emergencies that inevitably occur each year. In states that have federally-operated emergency programs, the state AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events. And for minimum program states, emergency funding is critical to preserve the limited resources available to them under the current funding formula. We therefore request that Congress restore funding for the AML emergency program in OSM's FY 2012 budget.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is a perennial, and often expensive, problem, especially in Appalachia. IMCC therefore requests the Committee to once again include language in the FY 2012 appropriations bill that would allow the use of AML funds for any required non-Federal share of the cost of projects by the Federal government for AMD treatment or abatement.

We also urge the Committee to support funding for OSM's training program, including monies for state travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. In this regard, it should be noted that the states provide nearly half of the instructors for OSM's training course and, through IMCC, sponsor and staff benchmarking workshops on key regulatory program topics. IMCC also urges the Committee to support funding for TIPS, a program that directly benefits the states by providing critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of \$1.55 million.

Mr. SIMPSON. Thank you, and those submissions that you requested will be taken. We appreciate it. You bring up a real challenge that we face not just in this budget but across the government in those areas where a lot of the states do programs at the direction of the Federal Government and when you start reducing funding, it affects the state programs and so we kind of pass those problems on to the states, but it is a real issue, like I say, not only through Interior but throughout the budget, and it is one of those challenges we are going to have as we write the 2012 budget.

Mr. CONRAD. We appreciate your support.

Mr. SIMPSON. Thank you. We appreciate it.

Next we have Tom Troxel, the Executive Director of the Intermountain Forest Association.

THURSDAY, APRIL 14, 2011.

U.S. FOREST SERVICE, WATER MANAGEMENT

WITNESS

TOM TROXEL, EXECUTIVE DIRECTOR, INTERMOUNTAIN FOREST ASSOCIATION

Mr. TROXEL. Thank you, Mr. Chairman. My name is Tom Troxel. I am from Rapid City, South Dakota, and I am testifying today on behalf of the Federal Forest Resource Coalition.

We have a crisis in our national forests. Between 60 and 80 million acres of national forest are classified at risk for a catastrophic wildfire. In addition, bark beetles have killed or damaged 40 million acres of western forest over the last 13 years and the Forest Service expects those epidemics to continue for another five to 10 years. The underlying reason is that we are harvesting only 10 percent of the annual growth on national forest timberlands, leaving the forest more and more overstocked and more susceptible to fires and insect epidemics.

Research has clearly demonstrated that mechanical thinning and active forest management can reduce the size and severity of wildfires and bark beetle epidemics. Forest products companies provide the lowest cost and most effective tool for the Forest Service to improve and maintain the health of our national forests. There is a tremendous opportunity to increase proactive forest management, improve the health and resiliency of our forest, reduce the potential for catastrophic and expensive fires and insect epidemics, produce American wood products and put Americans back to work. Many rural communities close to the national forest have unemployment rates nearing 20 percent. Investing in the Forest Service's timber program is a very effective job creator, generating 16½ jobs per million board feet harvested.

With the national emphasis on jobs and putting people back to work, increased management and timber outputs would provide a much-needed boost to rural America as well as improve the health and resiliency of the national forest.

We have several recommendations. Our first recommendation is that you reject the proposed Integrated Resource Restoration line item. The IRR would inevitably reduce accountability for timber outputs, cost and efficiency. Further, not all forests need restora-

tion. But even where restoration makes sense, there is no compelling reason to overhaul the Forest Service's budget structure. We recommend targets for each budget line item and an annual report from the Forest Service to the Congress on their accomplishments. We recommend increasing the fiscal 2012 program to 3 billion board feet. This would help satisfy increased demand for national forest timber, increase much-needed management of the national forest plus provide thousands of additional jobs. We recommend restoring the proposed \$79 million cut to the roads budget line item and that you reject the proposal for no new road construction.

We urge the committee to authorize the HFRA administrative review process for all national forest NEPA decisions as a means of increasing their efficiency. We support the Forest Service's recent proposal for a pre-decisional objection process for forest plan decisions and believe that Congress should follow suit for project NEPA decisions.

We recommend restoring the proposed \$9 million reduction for hazardous fuels and that 50 percent of the hazardous fuels funds be directed to non-WUI areas.

We urge you to provide adequate funding for the catastrophic beetle epidemics for thinning out in front of the beetles and for tree removal and fuels reduction where trees are already dead. The Forest Service's response to the epidemics has been underfunded and mostly after the fact. And I brought you some mountain pine beetles and I brought you some bumper stickers, what we think about mountain pine beetles in the Black Hills of South Dakota.

We recommend full funding for the collaborative Forest Landscape Restoration Act program provided that the program is funded with new money and with a separate budget line item.

Finally, considering the backlog of work on the national forest, we recommend that the proposed funding for land purchases be redirected to forest management and improving the health of the national forest.

In conclusion, I would like to reiterate the opportunity to proactively improve the health and resiliency of the national forest, maintain critical forest industry infrastructure, produce American wood products, create jobs and put people back to work.

Thank you very much for this opportunity to testify. I would be happy to answer your questions.

[The statement of Tom Troxel follows:]

**Testimony before the
United States House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies**

**Regarding the
FY 2012 President's Budget Request for the U.S. Forest Service**

**by
Tom Troxel, Executive Director
Intermountain Forest Association
Rapid City, South Dakota**

April 14, 2011

Good morning Mr. Chairman and members of the Subcommittee. My name is Tom Troxel, and I am Executive Director of the Intermountain Forest Association, located in Rapid City, SD. I am testifying on behalf of the Federal Forest Resource Coalition, an informal coalition of forest industry trade associations from across the United States, with regards to the U.S. Forest Service's forest management programs. A complete list of Coalition members is included with this testimony.

The Federal Forest Resource Coalition supports management of the national forests to produce clean water, enhance wildlife habitat, produce timber, support jobs and communities, and to reduce the potential for catastrophic fires and insect epidemics. Collectively, our members represent every segment of the forestry and wood products value chain, from loggers and landowners to lumber, panel, pulp, and paper mills. The forest industry employs nearly 900,000 men and women, and ranks among the top 10 manufacturing sector employers in 47 states. Lumber, panel, pulp, and paper mills are the economic hub of many rural counties and communities, making the industry's health critical to the economic vitality of those communities.

Many of our member companies rely on the national forests to provide a consistent and sustainable timber supply. Forest products companies also provide the lowest cost and most effective tool for the Forest Service to improve the health of our national forests. Increased management and timber outputs would provide a much-needed economic boost to rural America, as well as improve the health and speed restoration efforts on the national forests. In short, as the Forest Service budget and timber outputs go, so go the health of the national forests, the forest products companies, and many of America's rural communities.

Integrated Resource Restoration

Our number one concern regarding the Forest Service's FY 2012 Budget Request is the proposed merger of several budget line items (Forest Products, Vegetation and Watershed Management,

Wildlife and Fisheries Habitat, Legacy Roads and Trails, Collaborative Forest Landscape Restoration Act (CFLRA), and non-Wildland Urban Interface (WUI) Hazardous Fuels) into the “Integrated Resource Restoration” (IRR) budget line item. IRR was first proposed in the FY 2011 President’s Budget. Even though the Forest Service made significant changes to the IRR in the FY 2012 budget, adding targets and including non-WUI Hazardous Fuels, we believe that implementation of the IRR would inevitably lead to a loss of commitment and accountability for timber outputs, and, therefore, we must oppose the IRR concept.

Under the IRR concept, tracking and comparing timber program unit costs between various Forest Service units would be virtually impossible. Further, it would be impossible to compare timber program funding from one fiscal year to another.

Not all forest management is “restoration”, and very few of the forest plans, which were developed at great cost of time and money, provide direction for forest “restoration”. We have many underlying questions about how a national emphasis on “restoration” will affect timber sale programs on national forests that do not need “restoration”, or how a national emphasis on “restoration” would dovetail with the forest plans that do not contain “restoration” as a management goal or objective. Frankly, we believe the Forest Service’s timber sale program will continue to contribute toward the full spectrum of national forest management objectives, including “restoration”, without an IRR budget line item. In those areas where “restoration” is a necessary forest management objective, we do not believe the current budget structure presents any obstacle to achieving that objective on the ground.

We recommend the Committee reject the proposed IRR budget structure outright. We also recommend \$40 million in new funding for the CFLRA program, as a separate budget line item, a step we believe would lead to better accountability and oversight for program funding, costs, and accomplishments. Finally, instead of a competitive process for the \$80 million for ‘priority watershed’ improvement projects, we recommend that the Forest Service simply emphasize those projects in their direction for Vegetation and Watershed Management funds.

Timber Program Outputs

We recommend timber outputs consistent with the national emphasis on job creation and retention, forest management needs, industry infrastructure retention, and demand for national forest timber. The current annual harvest from national forest timberlands is less than 10% of annual forest growth and less than 50% of the cumulative Allowable Sales Quantity in the forest plans. The proposed FY 2012 increase from 2.4 billion board feet (bbf) to 2.6 bbf is helpful, but inadequate. Many of the rural communities close to the national forests have unemployment rates nearing 20 percent. Investing in the Forest Service’s timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet of timber harvested, nearly twice any other sector of the economy.

We propose increasing the Forest Products funding by including the \$77 million of non-WUI hazardous fuels proposed for inclusion in the IRR. That would allow an increase in the FY 2012 target to 3.0 billion board feet, which would provide a much-needed boost to employment in rural America, and increase needed management of our national forests. Increasing the FY 2012 Forest Products line item target from 2.4 bbf to 3.0 bbf would generate 9,900 new jobs. Additional investments to increase timber harvests to 4.0 billion board feet would generate another 16,500 new jobs.

Finally, we recommend that the Committee include targets for each budget line item, and require an annual report from the Forest Service to the Congress on their annual accomplishments.

Roads

We are very concerned about the \$79 million cut proposed to the Roads Budget Line Item in the Capital Improvement and Maintenance Budget, and the statement (p 8-13) that “No [other than 4-6 miles on the Tongass NF] new roads are proposed for construction on NFS lands in FY 2012”. This blanket prohibition makes no sense from a policy or practical perspective. Some new roads are a necessity, and the combined effect of the budget reduction and the policy statement regarding “no new roads” would have a devastating effect on forest management and fuels reduction projects. We urge the Committee to restore the \$79 million cut to the Roads Budget Line Item, and reject the notion of “no new road construction”.

Administrative Review

We urge the Committee to promote strategies to increase the Forest Service’s cost effectiveness. One such strategy would be to authorize use of the Healthy Forests Restoration Act (HFRA) Administrative Review Process for all national forest NEPA decisions. The FY 2011 President’s Budget contained a reference to a new “objection process”, presumably similar to the HFRA Administrative Review Process, but that proposal has not been enacted. We support the Forest Service’s recent proposal for a pre-decisional objection process for forest plan decisions, and we urge the Committee to do the same for project NEPA decisions.

Hazardous Fuels

The Forest Service has proposed a \$9 million reduction for the Hazardous Fuels line item. Considering the heavy fuels buildup and fire risks that many of our national forests are facing, funding for the Hazardous Fuels program is crucial. 60 to 80 million acres of national forests are classified at risk for catastrophic wildfire. Research has shown that mechanical thinning and active management of forests can lead to a 22 to 60% reduction in wildfires. We believe the Forest Service has placed too high a priority on the Wildland Urban Interface (WUI). While the WUI is clearly important for the protection of property and lives, a higher percentage of the Class II and Class III fire class forests are found outside of the WUI. By employing mechanical

treatment of the Class II and III lands, the Forest Service can take advantage of the value of merchantable products to help offset the costs associated with reducing the fire risk. We recommend that 50% of the Hazardous Fuels funds be directed to the non-WUI areas.

Western Bark Beetle Epidemics

According to page 16-7 of the Forest Service's Budget Justification, bark beetles have killed or damaged 41.7 million acres of western forests since 1997, with "unprecedented" environmental and social impacts, and the epidemics are expected to continue another "five to ten years". The bark beetle epidemics threaten the health and stability of every forest program, every forest user, forest products companies, and communities. The bark beetle epidemics are the inevitable result of over-mature, even-aged forests that have not been adequately thinned or managed. Since the epidemics began, the Forest Service's response has been underfunded and, mostly, after the fact. The FY 10 accomplishments (page 16-10), as well as the proposed FY 2012 funding (page 16-11), are inadequate. We urge the Committee to recognize the catastrophic nature of the beetle epidemics, to fund forest thinning to prevent additional beetle epidemics, and to fund tree removal and fuels reduction where trees have already been killed.

Land Acquisition

Considering the budget issues facing our nation and the backlog of forest management needs on the existing national forests lands, we recommend no funding for the Forest Service to purchase additional lands and that the proposed funding for land purchases be redirected to addressing forest management needs.

On behalf of the Federal Forest Resource Coalition, thank you for the opportunity to testify today. I would be happy to answer any questions.

Mr. SIMPSON. Thank you for being here today. So the pine bark beetle epidemic has gotten worse as we have done less and less thinning of the forest and less tree removal?

Mr. TROXEL. Yes, sir. It is continuing to span. The epicenter was in Colorado and it is expanding from Colorado to Wyoming to South Dakota to Montana and Idaho, and it just continues to expand.

Mr. SIMPSON. It is a real problem, and when you get out in the forest and you stand on top of a mountain and look around and look at how vast some of these forests are, trying to address it is a huge issue.

Mr. TROXEL. Yes, sir.

Mr. SIMPSON. And I look out there at we call, you know, the red tree forest, and lightning comes through there and it is a tinderbox.

Mr. TROXEL. Right. We do not have nearly the options that we would have had if we had done some management when the forests were green but there are things we can and should be doing. All of those dead trees and all the fuels pose a real risk of catastrophic fires, and we ought to be doing everything we can now.

Mr. SIMPSON. I had a question for years with the Forest Service, and I do not know, I am not a forester, but we put out 98 percent of all fires that start. Fires are a natural part of the ecosystem, and it makes you wonder if that builds up the fuel so much that when you do have a fire that you do not put out, all of a sudden it is a catastrophic fire. I think we need more active management of the forest.

Mr. TROXEL. I agree with you, and active management, in a lot of places we can do it with mechanical thinning. Some places in the back country it makes sense to do with fire.

Mr. SIMPSON. I appreciate it. Jeff, do you have anything?

Mr. FLAKE. I have the same observations that you have, particularly with respect to the ponderosa pine forest Arizona has. We have had some good management. Wally Covington at the Northern Arizona University and others have been active here, so I could not agree more. We had the Rodeo-Chediski fire a few years ago and it was far more devastating than it would have otherwise been. It was less devastating on areas, particularly on the Indian reservations, that had been better managed because some of the rules and regulations for the Forest Service were not in place on the Indian reservation.

So I am one who believes in active management and allowing commercial interests where you can. That is the only way sometimes to recoup some of the money to go further into the forest like we need to. So, I am all in favor of moving ahead there.

Mr. SIMPSON. I appreciate it. Thank you for being here today.

Mr. TROXEL. Thank you very much, Congressman.

Mr. SIMPSON. Next we have John Shannon, National Association of State Foresters.

THURSDAY, APRIL 14, 2011.

U.S. FOREST SERVICE, WATER MANAGEMENT

WITNESS

**JOHN SHANNON, ARKANSAS STATE FORESTER AND VICE PRESIDENT,
NATIONAL ASSOCIATION OF STATE FORESTERS**

Mr. SHANNON. Good morning, sir. I am the state forester of Arkansas. This is my first time before your subcommittee, and I did not know I was supposed to bring a bottle of dead bugs. I will be mindful of that.

Mr. SIMPSON. They are very impressive.

Mr. SHANNON. If you ever invite me back—

Mr. SIMPSON. They will not allow me into Idaho with those. They have enough already.

Mr. SHANNON. We have plenty. We have southern pine beetles too.

I am representing the National Association of State Foresters, and my testimony today is going to focus on our recommendations for the 2012 budget for state and private forestry.

We are the champions for forestry in the country. We take care of two-thirds of America's forests, not the U.S. Forest Service. We also live in the world of reality. I have had to balance the state forestry commission budget for 17 consecutive years. You have to make some hard calls, you know. You folks are making those hard calls. We get that. So our budget proposals this time do not reflect the need for forest conservation. We are just trying to keep our noses above water. So generally we are recommending that the 2012 budget hold the line at the 2010 actual budget level.

Congress has mandated that the state foresters assess our forests and identify priority issues, and we have all completed that work and we have all developed state forest action plans. It is a big country. Forests differ greatly. But as put together these plans state by state, there were five themes that were really common across the country, and I would like to walk through those because they do tie to the state and private forestry budget.

First is, if we are going to conserve and manage these forests, we need to know what we are talking about, and that means we need an accurate and current forest inventory, so we are asking to hold the line at \$72 million for forest inventory and analysis.

The second issue is, boy, there are tremendous challenges in forest health, and that is the theme that has already developed here today, sir, so I will not review that, but we are looking again to hold the line at \$60 million for cooperative forest health.

The third common theme is wildfires, and although I think the public watching TV thinks these fires burn in remote, dark woods, you know, far away somewhere, we know there are scores of thousands of American communities that are at risk from these wildfires. It is not just saving the woods; it is where people live, too. So we are asking to hold the line at \$110 million for state fire assistance, and I can tell you in rural states like Arkansas, that is really, really important. And we could never pay all the volunteer firefighters we have. That is an investment that really is matched tremendously at the local level.

And the Forest Service has through the FLAME Act a reserve fund for paying for firefighting. It is \$413 million. I hope you can maintain that fund, because if that fund is not there and the Forest Service needs more money to fight fires, you know where they are getting that money from? State and private forestry, and that has happened before and it halts work and it hurts partnerships, you know, so please keep that reserve fund at \$413 million.

We have got to keep forest land forested. That is not a given. States that are really growing in population have lost hundreds of thousands of acres of forestland, and forest landowners, private landowners keep their land forested only if it makes economic sense to do so. If it does not, they change their land use. And so the first step to really understand the economic development of their forestland is to have a forest stewardship plan. We provide those for the private forest landowners. So we are asking to maintain that Forest Stewardship budget at \$29 million.

The fifth and final common theme that arose across the country is, we need to establish and maintain forests where Americans live, which is not really in remote rural areas anymore. Most Americans live in town. And I am not just saying shade trees are pretty so we need to invest in those. There is measurable value in having a green infrastructure in America's cities and an easy one to measure is stormwater runoff, the cost control for stormwater runoff. Sir, this is the one line item where we are asking for a small increase, up to \$32 million.

If I can just wrap up by saying that the state foresters would really like to begin a discussion with your committee on getting us more flexibility to integrate these programs under state and private and integrate the use of the funding not to just do whatever we would like to do but to focus on the federal priorities, which are outlined in the Farm Bill, and to focus on the priorities we have identified in our state forest action plans, and if you give us more flexibility, and there is a long process to get there but if we get there, hold our feet to the fire. You ought to heighten the accountability too. You ought to require accomplishments and that we measure those accomplishments and that we report those accomplishments to you. I look forward to working with you.

[The statement of John Shannon follows:]

**Written Public Testimony of John Shannon, Vice President
National Association of State Foresters**

**Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

April 1, 2011

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding our Fiscal Year (FY) 2012 appropriations recommendations. Our priorities center on appropriations for the USDA Forest Service (Forest Service) State and Private Forestry (S&PF) programs. As states face the most challenging fiscal environment since the Great Depression, State Foresters fully appreciate the difficult choices that come with spending decisions. We therefore recommend that FY12 appropriations for S&PF be held at \$306 million, representing similar funding levels enacted in FY10.

State Foresters deliver technical and financial assistance and forest health, water and wildfire protection for more than two-thirds of America's forests. The Forest Service S&PF mission area provides vital support for delivering these services alongside other socioeconomic and environmental health benefits in both rural and urban areas. S&PF programs provide a significant return on the federal investment by leveraging the boots-on-the-ground and financial resources of state agencies to deliver assistance to forest landowners, tribes and communities. As state and federal governments face extremely tight fiscal conditions, State Foresters, in partnership with the S&PF mission area of the Forest Service, are best positioned to maximize the effectiveness of the limited resources available to respond to priority forest issues and focus efforts in those areas where they are needed most.

RESPONDING TO PRIORITY FOREST ISSUES, TRENDS AND THREATS

State Foresters have completed the Statewide Forest Resource Assessments and Strategies called for in the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill). Management activities are underway to implement these "forest action plans" and respond to the following trends, issues and priorities:

Forest Pests and Invasive Plants

Among the greatest threats identified in the forest action plans are exotic forest pests and invasive species. The growing number of damaging pests is often a result of the introduction and spread by way of wooden shipping materials, movement of firewood and through various types of recreation. A new damaging pest is introduced every two to three years. These pests have the potential to displace native trees, shrubs and other vegetation types in forests. Estimates indicate that 138 alien tree and shrub species have invaded native U.S. forest and shrub ecosystems while more than 20 alien species of plant pathogens attack woody plants. Plant pathogens alone have been estimated to result in the loss of \$7 billion of forest products each year. These losses do not account for the value of clean and abundant water, wildlife habitat, clean air and other environmental services that may be lost or impacted due to insect and disease infestation.

In response, the Cooperative Forest Health Management program provides technical and financial assistance to states and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. The program treated native pest species on over 150,000 acres and non-native invasive species on over 500,000 acres in FY10. Funding for the program supports activities related to prevention, suppression, and eradication of insects, diseases, and plants as well as conducting forest health monitoring through pest surveys.

NASF supports funding the Cooperative Forest Health Program at the FY10 enacted level of \$60 million (i.e. \$49 million through S&PF and \$11 million through Wildland Fire Management). We believe the proposed reduction included in the President's FY12 Budget will expose more of the nation's forests to exotic and invasive pests such as the Emerald Ash Borer, Hemlock Woolly Adelgid, Thousand Cankers Disease, Goldspotted Oak Borer and others that—in some cases—are already eliminating certain tree species. This request is supported by a strong diversity of organizations including members of the Continental Dialogue on Non-native Forest Insects and Diseases (see letter of support at www.stateforesters.org).

Fuel Loads and Wildland Fire

More people in fire-prone landscapes, high fuel loads, drought and unhealthy landscapes are among the factors that have led State Foresters to identify wildland fire as a significant priority issue in their state forest action plans. These factors have created a wildland fire situation that has become increasingly expensive and complex and, in many cases, threatens human life and property. NASF alongside many other organizations in the forestry, conservation and environmental community agree that the Forest Service State Fire Assistance (SFA) Program and the Wildfire Suppression Reserve Fund established under the Federal Land Assistance, Management and Enhancement (FLAME) Act are key tools in addressing the threat of wildland fire (see letter of support at www.stateforesters.org).

SFA is the fundamental federal assistance mechanism that states and local fire departments use to develop preparedness and response capabilities for wildland fire management on non-federal lands. The program has helped over 11,000 communities prioritize their preparedness and mitigation efforts through the development of Community Wildfire Protection Plans (CWPPs); yet, the threat of wildfire to life and property remains in more than 69,000 communities.¹ ***NASF recommends \$39 million for Cooperative Fire Protection SFA and \$71 million for Wildland Fire Management SFA to address the mitigation and preparedness backlog in communities at risk from wildland fire.***

In 2009, the FLAME Act established two funds—one for the Forest Service and another for the Department of the Interior (DOI)—to reduce the need for the agencies to transfer funds to wildfire suppression from other agency programs, which had historically led to considerable disruptions to important program functions. Congress included specific instructions that FLAME should be funded with improved estimates and that funding should not come at the expense of other agency programs. ***For FY10, the Forest Service received \$413 million. NASF and its partners support funding at equivalent levels for FY12.***

¹ NASF FY2009 Communities at Risk Report, February 2010

Working Forest Landscapes

Working forest landscapes are a key part of the rural landscape and provide jobs, clean water, wood products and other essential services to millions of Americans. For instance, 80% of renewable biomass energy comes from wood, 53% of all freshwater in the U.S. originates on forest land and more than \$200 billion in sales of consumer products and services are provided through the nation's forests each year.² Working forest landscapes contribute to a healthy forest products industry that employs more than one million people.³

Private forests make up two-thirds of all the forestland in the United States. Totalling 423 million acres, private forests support an average of eight jobs (per 1,000 acres) and provide 92% of trees harvested for wood products.⁴ The ability of working forests to continue providing jobs, renewable energy, clean and abundant water and other important services is in jeopardy as private forests are lost to development. The Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. The Forest Stewardship Program, Forest Legacy Program and other programs within USDA are key tools identified in the forest action plans to keep working forests intact.

The Forest Stewardship Program (FSP) is the most extensive family forest-owner assistance program in the country. Planning assistance is delivered in cooperation with state forestry agencies primarily through the development of Forest Stewardship Plans. The program provides information to private landowners to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other purposes. The technical assistance provided through the FSP is a gateway to other effective USDA, state and private sector programs designed to help keep working forests intact. For instance, the FSP enables landowners to participate in the Forest Legacy Program, Environmental Quality Incentives Program, and the Biomass Crop Assistance Program. The FSP also increasingly serves as the gateway to participating in forest certification programs and accessing renewable energy and carbon markets. ***NASF recommends \$29 million for the Forest Stewardship Program in FY12.***

Urban and Community Forest Management Challenges

Urban forests include the tree canopy cover above every neighborhood, town and city in America. They provide environmental, social and economic benefits to more than 80% of the nation's population. The forest action plans identified a number of benefits associated with urban forests including energy savings, improved air quality, neighborhood stability, aesthetic values, reduced noise and improved quality of life for communities across the country. At the same time, the forest action plans reported a number of threats to urban and community forests including fire in the Wildland Urban Interface (WUI), urbanization and development, invasive plants and insects, diseases and others.

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the Forest Service's Urban & Community Forestry (U&CF) program has provided technical and financial assistance to promote stewardship that is critically important green infrastructure. The program is delivered in close partnership with State Foresters and leverages existing local efforts that have

² Society of American Foresters. *The State of America's Forests*. 2007.

³ American Forest and Paper Association. "Our Industry: Economic Impact." <http://afandpa.org> (accessed Friday April 1, 2011)

⁴ Forest2Market. *The Economic Impact of Privately-Owned Forests*. 2009.

helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. For instance, the program leveraged an additional \$40 million in state and local support and provided 1,250 small grants to local communities in FY 2010 to help communities manage risk, respond to storms and disturbances, and contain threats from invasive pests. ***NASF and the broad urban forestry community support an appropriation of \$32 million in FY12 for the Urban and Community Forestry Program*** (see letter of support at www.stateforesters.org).

FLEXIBILITY FOR STATES TO APPLY RESOURCES WHERE THEY ARE NEEDED MOST

As part of the development of the forest action plans, each state underwent a comprehensive process that involved a wide range of partners and interagency cooperation to examine issues, structure priorities, and provide direction for those programs authorized under the CFAA. State Foresters are now in the operational phase of this process that includes implementation of the respective CFAA Programs consistent with national and state-specific priorities identified in forest action plans. While there is some consistency among states in program direction, the mix and configuration of CFAA programs and services that can deliver the greatest public value varies among states.

With completed forest action plans, states are now in a position to maximize the total public value from federal investment across the nation. NASF supports providing increased flexibility within CFAA program implementation through the states in order to ensure states collectively maximize their contributions to achieving the National Priorities expressed in the 2008 Farm Bill. We would like to see continued discussion and guidance from the Committee on possible alternative approaches to this matter that meet our shared desire to maximize the public's return on the investment of federal funds. Strong performance metrics for both the states and USFS should be part of this effort.

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) program, managed by Forest Service Research, is the nation's only comprehensive forest inventory system for assessing the health and sustainability of the nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data and is the baseline inventory estimates used in state forest action plans. The program provides unbiased information that serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for responding to priorities identified in the forest action plans.

The Agricultural Research, Extension, and Education Reform Act of 1998 (P.L. 105-85) mandated the Forest Service to partner with the states and non-governmental interests to implement a nationally consistent, annual inventory program in all states, ensuring timely availability of data and developing state-level reports every five years. Unfortunately, the President's FY12 Budget proposes an overall \$10 million reduction to FIA that will disrupt the inventory cycle length and otherwise dismantle program delivery. A solid inventory is essential to responding to contemporary forest issues such as estimating sustainable woody biomass supplies for renewable energy production, forest carbon inventories, and determining the timber supply available to support local mills and local jobs. ***NASF and many others in the forestry, conservation and environmental community recommend \$72 million for the FIA program in FY12***, with \$67 million funded through Forest and Rangeland Research and \$5 million through State & Private Forestry (see letter of support at www.stateforesters.org).

Mr. SIMPSON. Thank you. I look forward to working with you on that. I have always been an advocate of more flexibility for the agency, and what this committee needs to do is know what your goals are with this budget, and next year I will ask you, did you achieve those goals, if so, how, if not, why not, and those types of things. Sometimes I think we get into too much individual line item budgeting. But I appreciate your testimony, and I have seen firsthand the FMAT grants and how those help communities that would otherwise be broke.

Mr. SHANNON. Yes. Hold us accountable.

Mr. SIMPSON. Thank you.

Next, we have Hank Kashdan, Legislative Director for the National Association of Forest Service Retirees.

THURSDAY, APRIL 14, 2011.

U.S. FOREST SERVICE, WATER MANAGEMENT

WITNESS

HANK KASHDAN, LEGISLATIVE DIRECTOR, NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES

Mr. KASHDAN. Thank you, Mr. Chairman, and on behalf of the National Association of Forest Service Retirees, I really appreciate the opportunity to be here today for this public-witness hearing, and we want to especially thank you and the subcommittee for keeping the key multiple-use programs of the agency intact during your very challenging 2011 negotiations you just had, and it was very noticed and very appreciated and we thank you for that.

These multiple-use programs are key to restoring the health and resiliency of America's forests and watersheds, and they are the crux of the written testimony I provided today. As Mr. Troxel, Mr. Thompson and Mr. Shannon pointed out earlier, restoring America's forests and watersheds is getting tougher and it needs even higher-priority focus, and in our review of the Administration's budget for 2012, it does not appear that that priority is coming through in the proposal. The Western Governors Association, the Government Accountability Office have all pointed out the need to increase investments in restoration activities. The Departments of Agriculture and Interior just recently issued the Cohesive Wildland Fire Strategy. In there, they cite the need to increase investments in hazardous fuels yet the Forest Service's hazardous fuels budget is reduced about \$9 million. The Department of the Interior's is reduced even more than that.

And you look at the roads and trails infrastructure, the two line items that are really key to funding the restoration, this key restoration activity, they are down \$93.7 million from the 2010 level, and it is often unappreciated that these two line items, predominantly the roads line item, are really key to restoring watersheds, maintaining roads to standard, decommissioning roads that for environmental reasons cannot remain on the landscape or that are not needed for their original purpose anymore, ensuring access for the public, and here in the intermountain list where the beetles are causing literally thousands of trees to fall across roads and trees every day, you need a good roads budget to keep those roads open

for access, for protection of the public, and it is a really critical function.

So we look at the proposed Forest Service budget and see an \$85 million increase in land and water conservation to support the America's Great Outdoors initiative, our conclusion is that is being proposed at the expense of these key restoration programs and so we want to encourage as some of the previous witnesses have said to keep that focus on restoration.

Focusing on restoration, I want to mention the Collaborative Forest Landscape Restoration Act. The President's budget does propose full funding for that, and we are very supportive of that. Throughout the country, we have seen very strong collaborative efforts starting to emerge. Some are fully functioning, some are emerging. I was reading about a couple in the Salmon River just the other day. You know, it was not too long ago where the widely divergent publics were only talking to each other as part of the appeals process or the litigation process. This offers an opportunity to bring those publics together, and it is showing some success. We are seeing increases in local employment, a good flow of forest products, bigger investments in recreation and some optimism in local rural communities for a good, sustainable economic future.

Now, key to that landscape restoration, what we also want to note is the stewardship contracting tool. Stewardship contracting is up for expiration in 2013. If it were not for the support of the Appropriations Committees, we would not have stewardship contracting today. It has been slow in coming along but I think it is reaching critical mass and we would hope that we could continue to see your support as it goes through the authorizing process and the appropriations process.

I would like to just close with something that is not in the written testimony that has got the retirees' network quite abuzz recently, and that is the issue of travel management. In February, there was an amendment that Mr. Herger offered that would prohibit the implementation and enforcement of travel management plans. We think that may have some unintended consequences that are not desirable. Sixty-eight percent of the units in the system have completed travel management plans. These could not have been done without collaboration with the motorized recreation users. To be certain, there are hot spots, there is some discontent, but for the most part, we feel that motorized recreation users are supportive of this and in fact travel management is a friend of that activity.

So with that, Mr. Chairman, I see I am just about out of time so I just wanted to thank you very much for the opportunity to be here today, and we are here and ready to serve and help in any way we can.

[The statement of Hank Kashdan follows:]

Testimony of Hank Kashdan
Legislative Director - National Association of Forest Service Retirees
Recommendations to the Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2012 Budget for the United States Forest Service
March 28, 2011

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following testimony to the Subcommittee on Interior, Environment, and Related Agencies regarding the fiscal year (FY) 2012 budget. I am Hank Kashdan, Legislative Director for NAFSR. I recently retired from the Forest Service as its Associate Chief. Let me first express NAFSR's gratitude for this opportunity to provide recommendations on the proposed budget for the Forest Service. As noted in this testimony, NAFSR is recommending "budget neutral" adjustments totaling \$138.5 million. It is important to emphasize that NAFSR is fully aware of the challenges facing the Subcommittee in developing a FY 2012 budget and further understands the need to significantly reduce federal expenditures. In making these recommendations, NAFSR wants to be clear that it has empathy for the Subcommittee's challenges. In reviewing the President's Budget for FY 2012, NAFSR feels with some adjustment, key programs of the agency can be maintained while achieving overall budgetary reductions.

SUMMARY: As displayed in the following table, NAFSR, in general, recommends adjusting specifically noted budget line items to levels provided in the FY 2010 enacted budget. To achieve the FY 2010 levels for these line items, NAFSR recommends an appropriate "offset" by **NOT** focusing on the Administration's new America's Great Outdoors (AGO) initiative. The AGO initiative, although potentially having some positive benefit, is essentially being proposed at the expense of core multiple use Forest Service programs that focus on restoring the health and resiliency of Americas forests and watersheds. For this reason, if enacted as proposed in the President's Budget, it would have the effect of contributing to the further degradation of the health of the national forests.

FY 2012 Recommendations (\$ 000)

Account/Line Item	Proposed Funding	Proposed Decrease	Proposed Increase
S&PF- Forest Legacy	46,509	88,491	
Land Acquisition – National Forests	40,000	50,000	
Research & Development	312,012		16,239
CI&M – Roads	236,521		78,703
CI&M – Legacy Roads & Trails (1)	90,000		15,000
Wildland Fire – Hazardous Fuels (2)	(with IRR Line Item) 263,015 (w/o IRR Line Item) 340,285		9,000
NFS - Land Ownership Management	95,606		9,731
S&PF – International Programs	9,818		9,818
		138,491	138,491

Footnotes:

1. The President's Budget proposes to fund Forest Legacy Roads and Trails in the new Integrated Resource Restoration (IRR) line item at a level of \$75 million. NAFSR recommends funding at \$90 million for this program whether the Subcommittee chooses to implement IRR or maintain this funding in the Capital Improvement and Maintenance account.
2. The President's Budget proposes to fund non-wildland urban interface fuels in the IRR line item and "moved" \$77 million to IRR from hazardous fuels. Overall the budget would result in a \$9 million reduction in hazardous fuels. NAFSR recommends funding hazardous fuels at the FY 2010 level.

KEY POINTS:

America's Great Outdoors: While NAFSR sees value in some of the Administration's AGO proposals, the large increases in funding for Forest Legacy and Land Acquisition are being proposed by the Administration at the expense of essential multiple use activities. The bottom line for NAFSR is that there is little logic in increasing the size of federal land ownership, when there are tens of millions of acres already in federal ownership that are in poor health. The need to focus on large scale restoration has been widely cited by many oversight and constituent groups including reports by the Government Accountability Office and the Western Governors Association. These reports have widespread support and serve as the basis for work currently underway and planned for the future. As proposed in the President's Budget, the AGO initiative would have the effect of taking needed resources from these important restoration activities. NAFSR strongly recommends against funding the AGO proposals unless important multiple use budget line items are restored to at least the FY 2010 level.

Funding Restoration Activities vs. Establishing an Integrated Resource Restoration Line Item (IRR): NAFSR sees some benefit in the proposed IRR budget line item. **HOWEVER**, rather than be distracted by budget structure, it is of greater importance to fund key multiple use programs of the agency that focus on **restoring and maintaining healthy, resilient forests and watersheds**. These programs are critical to the needs of the nation by providing clean water; protecting communities, forests and rangelands from the threat of catastrophic wildfire; providing a variety of forest and rangeland derived products including quality habitat for wildlife and fish, recreational opportunities; and by retaining important local and regional infrastructure that is important in assuring sustainable local communities and natural resources. Of significant concern is the Administration's proposed reduction to the Roads program within the Capital Improvement and Maintenance account. Not only is funding under this line item an essential aspect of restoration, the National Forest road system is critical to resource protection and management needs. Key activities within this budget line item include road decommissioning, maintenance to required standards, and making improvement to meet environmental and management needs. Further, the Administration is proposing an overall reduction in hazardous fuels funding; this as it finally releases "*A National Cohesive Wildland Fire Management Strategy*" to address communities and landscapes that are increasingly at risk from the threat of catastrophic wildfire. NAFSR feels these activities **MUST** be funded first before investing in the AGO program that would acquire new national forest lands or new easements. NAFSR recommends funding the key programs shown in the above table at the FY 2010 enacted levels.

As noted, NAFSR does see potential benefits in the proposed IRR line item, and thus, encourages the Subcommittee to consider providing authority for a pilot test in one or two regions of the Forest Service in order to allow the agency to demonstrate appropriate accountability and improved performance, while providing an opportunity for the Subcommittee to establish its oversight expectations under such expanded budget flexibility for the agency.

Research and Development: As noted in past testimony, NAFSR is very concerned about the continued erosion in the capacity of the Forest Service to conduct basic research in support of natural resource management. In addition to the reality that basic research is not significantly conducted anywhere else and/or is being concurrently reduced in colleges and universities, the ability to provide basic science is a cornerstone of successful multiple use management on the landscape. The availability of quality scientific information, and having the capacity to conduct research, is an essential element of supporting land managers in making decisions on management activities, as well as a key foundation in forest planning. The new proposed planning rule relies significantly on the capacity of the Research and Development program to support decision making based on the availability of quality science and an effective science based workforce. With 68 Forest Plans out of date (more than half being over 20 years old) and needing revision, the capacity to provide the “best science” in support of forest planning is essential. In addition, basic research to support the economic use of material removed in forest restoration activities will help make these renewable forest resources available to meet the Nation’s wood products and energy needs.

National Forest System – Land Ownership Management: NAFSR feels it is important to emphasize the critical nature of the funding contained in this line item. It is essential in providing basic services to America whether for a specific user of the national forests or the population as a whole. Funding for this line item has steadily eroded over time, yet the demands for the services provided have increased. The agency’s capacity to deliver such service has been seriously affected. Activities funded in this line item include assessing powerline location and environmental impacts, processing permit applications for numerous activities including water lines and buildings, identifying property boundaries, and responding to alternative energy proposals for such activities as wind, solar, and geothermal power generation. The Land Ownership Management line is also an essential part of being good neighbors to adjacent private landowners and to the many communities within and adjacent to the Forests. As noted in the table above, NAFSR recommends retaining funding in this line item at the FY 2010 level.

Collaborative Forest Landscape Restoration Fund (CFLR): The President’s FY 2012 budget includes full funding for CFLR in the IRR line item. NAFSR endorses fully funding this program. In recent years the Forest Service has demonstrated its ability to forge consensus among diverging interests through an intense focus on landscape scale cooperation. Full funding for CFLR offers one of the best authorities to effectively involve communities in collaboratively determining how to restore the health of public and private lands while improving rural economies. Notable collaboratives across the country including those in Idaho, Oregon, Arizona, New Mexico, and in the acquired lands of the east are improving the ability of the agency to be a partner in making important multiple use decisions about the future of the national forests and adjacent lands. NAFSR notes that these collaboratives have made frequent use of stewardship contracting authority to execute projects and has demonstrated the utility of

this tool in improving forest health, contributing to improving the economy of local communities, and reducing the risk of catastrophic wildfire. Collaboratives that have their “feet on the ground” have achieved positive multiple use management outcomes and have increased the Forest Service’s ability to be highly valued partners in local communities. This program shows strong long term potential to be highly successful. NAFSR recommends the full funding of CFLR and further recommends that the Subcommittee continue its support for use of a variety of tools to facilitate these efforts, especially including support for a strong and permanent stewardship contracting authority.

Wildland Fire Management – Wildfire Suppression: NAFSR notes that the President’s FY 2012 Budget provides funding for wildfire suppression at approximately the 10-year average. It is important to emphasize the high probability that suppression costs will exceed the 10-year average due to increasing costs, expanding wildland urban interface, and the large areas of insect infested forests that are more prone to wildfire. In addition, due to budget pressures, the “carryover” of suppression funds from the last two years of lower than normal wildfire suppression expenditures, are no longer available to meet suppression funding needs in the event that the 10-year average is exceeded. NAFSR feels it important to point out that under the concept of the FLAME Act, these carryover funds would have been available if the 10-year average were exceeded. In the absence of the availability of these funds, NAFSR is very concerned that should suppression costs begin to exceed fund availability, Congress will need to enact supplemental emergency funding, OR the Forest Service will once again be forced to implement “fire transfers.” Such transfers will have major detrimental impacts on the ability of the agency to perform its mission.

State and Private Forestry – International Programs: The President’s Budget for FY 2012 eliminates funding for this program, but does not eliminate the program. Rather it proposes that the Forest Service will fund this program from within other line items. This essentially amounts to a \$9.8 million reduction to other programs or at least a partial reduction in the agency’s international efforts. The Forest Service is globally recognized as a natural resource leader. This directly strengthens the strategic standing of the United States in a key international arena. Further, this program leverages it’s funding from other sources at a ratio of approximately 4 to 1. Thus for \$9.8 million, the agency is able to achieve close to \$40 million in value.

In Closing, NAFSR would again like to emphasize that it has great empathy for the challenges the Subcommittee faces in finalizing a budget for FY 2012. With its understanding of the critical tradeoffs the Subcommittee must make, NAFSR has been conservative in its funding recommendations. NAFSR recognizes that not all programs can be funded at or above the FY 2010 level, so it has focused its recommendations for funding activities to address what prior NAFSR Board Chairman, George Leonard, described as a liability being caused by “overstocked, insect-infested, fire-prone, poorly maintained, and understaffed Forests.”

NAFSR deeply appreciates the Subcommittee’s consideration of these recommendations and for being invited to provide testimony at the Public Witness Hearing.

Mr. SIMPSON. We thank you, and thank you for your testimony. We look forward to working with you as we have these more challenging times with reduced budgets. We want to make sure that what we do is maintain the essential programs of the Forest Service and all of the federal agencies, so we look forward to working with you to address those kinds of things. Thank you.

Mr. KASHDAN. Thank you.

Mr. SIMPSON. Next, we have Jim Lighthizer, President of the Civil War Trust. How are you doing? Good to see you again.

Mr. LIGHTHIZER. Good to see you again, my friend.

Mr. SIMPSON. You bet.

THURSDAY, APRIL 14, 2011.

HISTORIC PRESERVATION, ARTS AND HUMANITIES

WITNESS

JIM LIGHTHIZER, PRESIDENT, CIVIL WAR TRUST

Mr. LIGHTHIZER. Mr. Chairman, I came to first thank the committee for its support of the American Battlefield Protection Program in the past years. I recognize that 2012 is going to be a difficult year for the country, not to mention the Congress, and you all have some difficult decisions and choices you have to make.

As you are very much aware, Mr. Chairman, one of the differences between the land we save and the other good land that other folks save is that we save heritage land, and it is impossible to move where the great armies fought. You cannot pretend it was someplace else. In other words, history is where it happened.

The other thing I would say, Mr. Chairman, it is the sesquicentennial now. It started, I guess, officially yesterday or the day before, depending on how you want to count it, and we are running out of time. As you know, what we try to save, the battlefield land we try to save, has been defined, and we estimate in the next five to 10 years it is either going to be saved or paved, so we have got to get while the getting is good, if you will. This program has been a good program. It has got metrics. You can measure its success or lack thereof. It has worked well. It is a public-private partnership. We have skin in the game, so to speak. We have to raise a dollar to get a dollar. I think it has worked very, very well for the American public because we are saving heritage. We are saving outdoor classrooms, in effect. We are preserving the land so that we can teach future generations about what made this country what it is today, which I happen to think is a pretty good country.

So we thank you, Mr. Chairman, and thank the committee for its past support.

[The statement of Jim Lighthizer follows:]



**Testimony of O. James Lighthizer, President
Civil War Trust**

**Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives**

April 14, 2011

Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is James Lighthizer, and I am the President of the Civil War Trust. I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fund the Civil War Battlefield Preservation Program (CWBPP), financed through the Land and Water Conservation Fund in the Department of Interior, at its authorized amount of \$10 million.

I would like to start by providing a little information about our organization. The Civil War Trust is a 55,000-member nonprofit organization — the only national one of its kind — dedicated to preserving America's remaining Civil War battlefields. To date, the Trust has permanently protected more than 30,000 acres of hallowed ground in 20 states, most of it outside National Park Service (NPS) boundaries.

I am here today to discuss with you the highly effective federal land conservation program that has made much of our success possible: the Civil War Battlefield Preservation Program (CWBPP). This authorized competitive matching grants program, operated through the National Park Service (NPS) American Battlefield Protection Program office, requires a 1 to 1 federal/non-federal match, although on many occasions the federal dollars are leveraged much more than 1 to 1. The program has successfully promoted cooperative partnerships between state and local governments and the private sector to preserve targeted, high priority Civil War battlegrounds outside NPS boundaries. Since it was first funded in Fiscal Year (FY) 1999, the program has been used to protect more than 16,500 acres of our nation's hallowed ground.

The Opportune Time

This year marks the beginning of the sesquicentennial commemoration of the Civil War. It is an opportune time to recommit our energies to the protection of these hallowed grounds. Few commemorations are expected to generate more excitement and interest among Americans than this anniversary. Millions are expected to learn about our nation's unique history by visiting Civil War sites around the country in the next four years. This anniversary provides the perfect opportunity to promote preservation of Civil War battlefields. In late March, Secretary Salazar attended an event in Gettysburg to celebrate the preservation of some of the most blood-soaked ground still unprotected at Gettysburg. At that event, Secretary Salazar affirmed the Department of the Interior's commitment to promoting the 150th anniversary of the Civil War and the need to protect these hallowed grounds as legacies for future generations of Americans.

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Battlefield Lands are Our Shared American Heritage

These battlefield lands are an irreplaceable part of our shared national heritage. These lands are consecrated with the blood of brave Americans who fought and died to create the country we are today. The private sector organizations engaged in battlefield preservation — and we are just one among many nonprofit battlefield preservation groups — are competing with developers to acquire this land. Once these hallowed grounds are lost, they are lost forever.

We estimate that 30 acres of battlefield lands are lost every day. These lands, when preserved, serve as outdoor classrooms to educate current and future generations of Americans about this defining moment in our nation's history. In addition, preserved battlefields are economic drivers for communities, bringing in tourism dollars that are extremely important to state and local economies.

Origins of the Program

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists. Its goal: determine how to protect America's remaining Civil War battlefields. In 1993, the Commission released a study entitled "Report on the Nation's Civil War Battlefields." The report identified the 384 most historically important Civil War battlegrounds and further prioritized them according to preservation status and historic significance. Eighteen years later, this landmark report and a recent update conducted by NPS remain our guide for targeting only the most historically significant remaining Civil War battlefields.

In addition to creating a prioritized list of battlefield preservation targets, the Commission also recommended that Congress establish a federal matching grant program to help the nonprofit sector save high-priority Civil War battlefields. The Commission's proposal for a federal matching grant program was the genesis of the Civil War Battlefield Preservation Program.

Congressional Funding and First Successes

Five years after the "Report on the Nation's Civil War Battlefields" was released, Congress acted upon the Commission's recommendation by setting aside \$8 million from the Land and Water Conservation Fund for Civil War preservation matching grants. This first appropriation for the program was made available over three years, and required a two-to-one non-federal/federal match. Grants were competitively awarded through the American Battlefield Protection Program (ABPP), an arm of NPS. Funding was solely for acquisition of properties outside NPS boundaries at battlefields identified in the 1993 report. Land could be purchased from willing sellers only; there was — and there remains — no eminent domain authority.

Thanks to the new program, there began an unprecedented and almost-immediate surge in Civil War battlefield preservation. The \$8 million appropriation generated \$24 million

for land acquisition by encouraging state and private investment in battlefield land protection. The program inspired the Virginia and Mississippi legislatures to appropriate \$3.4 million and \$2.8 million, respectively, to meet the federal match. The Civil War Trust alone contributed \$4 million in private sector funds to meet the match. As a result of the non-federal funds generated by the program, battlefields like Virginia's Brandy Station and Manassas received a new lease on life. In addition, other sites such as Prairie Grove in Arkansas, Champion Hill in Mississippi, and Bentonville in North Carolina — just to name a few — were substantially enhanced. Largely because of the success of those first three years, Congress appropriated an additional \$11 million for the program in FY2002, this time with a 1-to-1 non-federal/federal match requirement.

Authorization of the Program

After approval of the FY2002 appropriation, authorization of the Civil War Battlefield Preservation Program was the next logical step. Supporters on Capitol Hill felt that authorization of the program would convey to the Department of the Interior Congressional intent regarding the program's goals and objectives. Further, authorization would provide funding predictability for the program's non-federal partners, encouraging them to continue their involvement in battlefield preservation.

The authorization bill, entitled the Civil War Battlefield Preservation Act of 2002, was introduced in the House and Senate in the summer of 2002. The bipartisan bill formally tied the program to the 1993 CWSAC report, creating a federal conservation program with a highly focused, prioritized list of acquisition targets. It also provided for an annual appropriation of up to \$10 million per year — the level originally recommended by the Commission in 1993. The Civil War Battlefield Preservation Act was passed with the unanimous consent of both the House and Senate in the fall of 2002, and was signed into law by President Bush on December 17, 2002 (P.L. 107-359).

Program's Continued Successes and Reauthorization

Since the program was first funded in FY1999, Civil War Battlefield Preservation Program grants have been used to protect 16,500 acres of hallowed ground in 14 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Aversboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Corinth, Mississippi; Harpers Ferry, West Virginia; and Perryville, Kentucky.

The Civil War Battlefield Preservation Program was reauthorized as part of the Omnibus Public Land Management Act of 2009 (H.R. 146), which President Obama signed into law on March 30, 2009 (P.L. 111-11).

Urgent Need for Funding

The program's entire FY2010 allocation has been obligated and spent to preserve more than 1,500 acres of sacred battlefield land. Under continuing resolutions, which the government has been operating under for FY2011, the program has effectively been frozen because the American Battlefield Protection Program is a small department within

NPS and therefore does not receive any allocation until a final spending bill is signed into law. This has already put a number of high-priority deals in jeopardy, as it is difficult to ask landowners, even when they are inclined to preserve their land, to wait for an extended period of time for funding to potentially become available. As a result of this situation, it is even more imperative that adequate funding is provided for the program in FY2012 in order to keep the program from grinding to a halt, in the midst of the Civil War sesquicentennial commemoration.

We respectfully ask the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to fund the Civil War Battlefield Preservation Program at its authorized amount of \$10 million. Please note that four members of the House Appropriations Committee sent a letter to President Obama in November 2010 requesting \$10 million funding for the program in FY2012. Recognizing the opportunity presented by the sesquicentennial, President Obama included a \$10 million request for the program as part of his FY2012 budget.

We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee as you work to draft an appropriation bill that meets the needs of the agencies and programs under your jurisdiction. However, we believe that now is the opportune time to provide funding at the \$10 million level for the Civil War Battlefield Preservation Program, especially with this being the first year of the 150th anniversary of the Civil War. Funding at this level will allow for the continued success of the program and the preservation of key battlefield lands that will serve as lasting, tangible legacies for the sesquicentennial. In addition, with time rapidly running out to forever protect these hallowed grounds, funding for this program will soon no longer be necessary. We estimate that in the next five to ten years the remaining Civil War battlefield lands will be either paved over or protected. That is why we must act now in order to preserve as much key battlefield land as possible before time runs out.

Conclusion

Mr. Chairman, there is no question that the Civil War was a defining moment in our country's history. For four long years, North and South clashed in hundreds of battles that reunited our nation and sounded the death knell for slavery. More than 625,000 soldiers and 50,000 civilians perished as a result of the war.

Preserved battlefields not only honor the memory of our Civil War ancestors, but all of our nation's brave men and women in uniform. Further, preserved battlefields serve as outdoor classrooms to teach new generations of Americans about the significance of the Civil War — and remind them that the freedoms we enjoy today came at a terrific price.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to provide funding of the Civil War Battlefield Preservation Program at its authorized level of \$10 million. As noted, this is especially important as the nation begins the sesquicentennial commemoration of the Civil War. We look forward to working with you and other subcommittee members on battlefield protection and other historic preservation issues. Thank you for the opportunity to address the committee.

Mr. SIMPSON. Thank you. I appreciate the work you do. I look forward to working with you to preserve these areas. You are right. You do great work and, as you said, once you lose it, it is gone.

Mr. LIGHTHIZER. Yes, it is gone forever. You cannot get it back.

Mr. SIMPSON. And we will get out to Antietam one of these days.

Mr. LIGHTHIZER. Please do. You know it is a standing offer.

Mr. SIMPSON. I know.

Mr. LIGHTHIZER. Thank you, Mr. Chairman.

Mr. SIMPSON. Next we have Trace Adkins, Grammy-nominated country and western singer. How are you doing?

Mr. ADKINS. Fine, sir. How are you?

Mr. SIMPSON. Welcome.

Mr. ADKINS. I am proud to be here. This is a sobering occasion for me. I am not used to this.

Mr. SIMPSON. You are just talking to friends.

THURSDAY, APRIL 14, 2011.

HISTORIC PRESERVATION, ARTS AND HUMANITIES

WITNESS

TRACE ADKINS, GRAMMY-NOMINATED COUNTRY MUSICIAN

Mr. ADKINS. Okay. Well, Mr. Chairman, thank you for the opportunity to speak to you. My name is Trace Adkins. I do sing country music. I am also a student of history, a descendant of a Confederate soldier who fought in the Civil War.

I have visited many of these hallowed battlefields that Mr. Lighthizer spoke of, and through the preservation of these sites I was able to stand upon ground where soldiers stood and reflect on the sacrifices that were made there.

I come before you today just to share my personal interest in the Civil War and why I believe it is important to preserve the last tangible links to this history, the battlefield lands where hundreds of thousands of brave soldiers, including my great-great-grandfather, fought and died. With this being the first year of the 150th anniversary of the Civil War, now I think is the opportune time to redouble efforts to further protect these hallowed grounds.

I grew up in Louisiana. I now live in Nashville. So I have spent a lot of my life in close proximity to Civil War battlefields, and my interest grew out of a conversation that I had with my grandfather when I was 11, and he told me about his grandfather. He was 73 at the time, my grandfather was, and he showed me copies of letters that his grandfather had written home while he was serving, and so that piqued my interest and spurred me to become a student of history at that time. When he died 10 years later, I was 21 and I took that occasion out of an homage to him to go to Vicksburg, and I was able to stand in the trench where his grandfather, my great-great-grandfather, had been. I knew I was within 100 feet of where he had stood, and it was a spiritual moment for me. I cannot really express it any other way.

I was fortunate enough to be able to go, as I said, to Vicksburg, and Vicksburg is now part of the National Park Service system and

it has been well preserved, and it is a success story. There are many others, but I am fortunate to have that.

The seriousness of the threat to these unique resources was brought home to me one winter day a couple of years ago. It happened to be on December 15th and I was having to go into Nashville, and I was stuck in traffic on I-65 south of town and I happened to notice that I was directly across the interstate from Overton High School. Overton High School is a school that sits on top of Overton Hill. December 15th happened to be the anniversary of the Battle of Nashville, and on December 15, 1864, it was said later about that battle that you could walk from the bottom of that hill to the top of that hill stepping on dead soldiers. It was that kind of carnage. And as I was sitting there stuck in traffic, I wondered if I were to get out of my truck right now and start knocking on people's windows and asked them if they know what happened on that hill right there 140-some-odd years ago how many of them would know, and I think it is a sad commentary that probably very few, if any of them, would have had a clue.

So these historic landscapes are treasures. They are American treasures, and preserved battlefields are cultural and historic landscapes that serve as a constant reminder of the sacrifices our ancestors made to make this country what it is today. And the protection of these battlefields will leave a legacy of commitment to preservation and conservation. These lands will be open spaces for the public to enjoy preserved in their natural and pristine state.

The tourism that comes from these sites, it is very important to many of these communities, and so I think that this kicks off the sesquicentennial of the Civil War and I do not think there is a better time for us, like I said, to recommit to the preservation of these sacred lands, and I appreciate you listening and for having me here today, and I really appreciate Jim Lighthizer for all the work that he does and it has been an honor for me to be associated with the Civil War Trust and all the work that they do. Thank you, sir.

[The statement of Trace Adkins follows:]

**Testimony of Trace Adkins
Country Music Singer-Songwriter, Avid Student of History, Descendant of
Civil War soldier**

**Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives**

April 14, 2011

Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is Trace Adkins and I am a country music artist, an avid student of history and a descendant of a confederate soldier who fought in the Civil War. Throughout the years, I have visited many hallowed battlegrounds. Through the preservation of these sites, I was able to stand upon the ground where the soldiers stood and reflect upon the epic sacrifices made on those lands.

I come before you today to share my personal interest in the Civil War and why I believe it is so important to preserve the last tangible links to this history, the battlefield lands where hundreds of thousands of brave soldiers, including my great-great grandfather, fought and died. With this being the first year of the 150th anniversary of the Civil War, now is the opportune time to redouble efforts to forever protect these hallowed grounds.

My Personal Connection to the Civil War

Growing up in Sarepta, Louisiana and now living near Nashville, Tennessee I have spent much of my life surrounded by Civil War battlefields. My interest in the Civil War grew out of a conversation I had with my grandfather when I was 13 years old, during which he told me the story of my great-great grandfather, Henry T. Morgan. Henry Morgan was a private in the 31st Louisiana Infantry. He was wounded and taken prisoner at Vicksburg in 1863.

I was fortunate enough to be able to visit Vicksburg National Military Park, now a part of the National Park Service (NPS) system. During my first visit to Vicksburg I got to stand where I knew I was within 100 feet or so of where my great-great grandfather was positioned in that battle. Because of the preservation of that battlefield, I was able to look across the battlefield and see it the way it looked when my great-great grandfather was there. Words cannot describe what a spiritual moment that was for me. That moment would not have been possible had it not been for the preservation of that hallowed ground.

The Time is Now, Before These Lands are Lost Forever

The seriousness of the threat to these unique resources was truly brought home to me one winter day while I was stuck in traffic on Interstate 65 in middle Tennessee. I looked out the window of my truck and realized that I was stopped within site of Overton Hill.

Overton Hill was the site of the Union attack on Confederate General John Bell Hood's right flank during the Battle of Nashville in December 1864. Although the initial charge failed, a second charge succeeded in forcing Hood's troops to retreat. Overton Hill is now occupied by a high school, football stadium and a smattering of small businesses.

As I was sitting in my truck on that December day, I realized that the date was December 15, the same day that the Battle of Nashville took place in 1864. I thought to myself that if I got out of my truck and went randomly walking up and down the backed-up interstate, knocking on a few people's car windows, asking them if they knew what happened on that hill 143 years ago on that very day, could they tell me? Sadly, I was forced to admit to myself that there likely was not a car within a half mile with an occupant who could recite the story of what happened on that hill. Writing of Overton Hill after the battle in December 1864, somebody wrote that you could walk from the bottom of the hill to the top without putting your foot on the ground – that you could walk on soldiers' bodies up that hill. Blood was literally flowing down that hill on the morning of December 15, 1864.

It was this moment that I realized the importance of preserving Civil War battlegrounds – now, before they are paved over and forgotten. The difference between a battle that is written about and taught to our children and one that is largely forgotten can be summed up in one word – preservation. I would like to highlight one such example. Contrast Pickett's Charge at Gettysburg and a similar frontal assault at Franklin, Tennessee, near where I live. Franklin had twice as many casualties, lasted two or three times as long and the attackers went twice as far against much greater odds. Yet, we remember and hear more about Pickett's Charge than Franklin. The reason for that difference is that Franklin was paved over around the turn of the twentieth century.

Preserved Battlefields are American Treasures

These historic landscapes are truly American treasures. Preserved battlefields are cultural and historic landscapes that serve as a constant reminder of the sacrifices our ancestors made to make this country what it is today. In addition, preserved battlefield lands become outdoor classrooms for today's visitors and those in countless generations to come – telling the story of the war: from the way people fought, to where they fought, and why they fought.

The protection of America's remaining Civil War battlefields will leave a legacy of national commitment to preservation and conservation. These lands will be open spaces for the public to enjoy, preserved in their natural and pristine state. Tourists will be able to come to these sites for the contemplative experience they desire; walking the grounds and seeing the landscape much the same as it would have been during the Civil War, just

as I did at Vicksburg National Military Park. This experience is unlike anything you can read in a book about the conflict. Preserved battlefields are a legacy we will leave for future generations – a tangible link to the history that defined our nation.

The Civil War Sesquicentennial Anniversary

The anniversary of the firing on Fort Sumter occurred just a few days ago on April 12. This marked the beginning of the 150th anniversary commemoration of the Civil War, which will last for the next four years. The sesquicentennial is expected to generate more public interest and visitation to Civil War battlefields than ever before. We need to take advantage of this anniversary to rededicate our efforts toward preserving these battlefields by instilling the protection of remaining Civil War battlefields as a cornerstone of this observance, creating a legacy that will long outlast the anniversary. This is really the last opportunity to make a strong commitment to the preservation of these historically significant sites.

We are in a race against time – 30 acres of battlefield land are lost every day. Development threatens to erase these sacred sites and with the loss of these tangible links our living history will consequently fade into distant memory, and all will be lost forever. Timing is especially critical in areas of the country experiencing rapid growth and development pressures. Places like the Atlanta suburbs, middle Tennessee and central Virginia have been experiencing this situation for more than a decade, and, even in these challenging economic times, the price of agricultural land in these regions remains high. Time is running out and opportunities are dwindling to forever protect these hallowed grounds.

Now is the time to take action to save our nation's treasured cultural and historic landscapes.

The Civil War Trust

I want to highlight an organization that has taken on the role of preserving these national treasures and for that reason I whole-heartedly support the efforts of this organization. The Civil War Trust is the only national nonprofit organization dedicated to the preservation of these hallowed grounds. The Civil War Trust has preserved more than 30,000 acres of battlefield lands in 20 states, including more than 2,200 acres in my home state of Tennessee.

The Trust works with willing sellers to either purchase the land fee-simple or place a conservation easement on the land, always at fair market value. The Trust raises money through donations from its more than 55,000 members nationwide, and then leverages those private dollars with local, state and federal grant monies. Congress has been an important partner in battlefield preservation, through funding of the Civil War Battlefield Preservation Program (CWBPP), the primary source of federal funding for battlefield preservation. CWBPP is an example of a highly successful public-private partnership, helping to preserve more than 16,500 acres of battlefield land in 14 states.

Without the work of the Civil War Trust and the assistance provided by the Civil War Battlefield Preservation Program, preservation of Civil War battlefield lands would be severely lacking. These tangible links to our nation's past would be dwindling at a faster pace than they are now, or in many cases they would be already lost.

Conclusion

Mr. Chairman, I hope that I have demonstrated how important I believe battlefield preservation is and why the sesquicentennial anniversary of the Civil War is the ideal time to redouble efforts toward preservation of these historically significant sites. These lands are our shared American heritage – sites where we can visit, reflect and contemplate the sacrifices made by our ancestors to make our country the great country it is today.

As a descendant of a Civil War soldier, I can think of no better tribute during the 150th anniversary of the Civil War than to make a firm commitment to the preservation of these hallowed grounds that saw such desperate combat. If adequate funding is provided, there are opportunities during the sesquicentennial to complete the preservation of a number of battlefields. What a fitting legacy to leave our children, grandchildren and all future generations of Americans – tangible links to our nation's past.

Thank you for the opportunity to address your committee.

Mr. SIMPSON. Thank you, Trace. They do good work, and I appreciate your commitment to this also. I tell people whenever they come here to Washington, people from Idaho, they always ask us where they should go and what they should visit, and I say if you have a day, go to Gettysburg but take your shoes off.

Mr. ADKINS. Yes.

Mr. SIMPSON. It is one of those things that is just amazing, and there are so many of those around the West. I am just surprised that coming from Tennessee and Louisiana that you refer to this as the Civil War. Being from Idaho, you know, I have a place over in Arlington, VA, and I learned right away that there was no Civil War, there was a War of Northern Aggression.

Mr. ADKINS. And a war for southern independence.

Mr. SIMPSON. That is right.

Mr. ADKINS. In mixed company, I try to use politically correct terms. But in conclusion, I would like to say that as a concerned citizen, I think that these Civil War battlefields serve as a monument to what happens when political wisdom fails us and our disagreements are allowed to escalate beyond reason, and I think they are horrific reminders of what could happen. I just think it is very important for us as a Nation to preserve these places. Thank you, sir.

Mr. SIMPSON. Thank you. Thank you for your testimony and for being here today. I appreciate it very much.

Next we have Margaret Graves, President of the Partners in Preservation.

THURSDAY, APRIL 14, 2011.

HISTORIC PRESERVATION, ARTS AND HUMANITIES

WITNESS

MARGARET GRAVES, PRESIDENT, PARTNERS IN PRESERVATION

Ms. GRAVES. Thank you, Chairman Simpson, for the opportunity to testify. I am Margaret Graves and I am the President in Partners in Preservation.

Our prior speaker spoke about the importance of our national historic sites, and given the current budget crisis, we are at risk of losing this incredible heritage if we do not use innovative solutions like historic leases to help the National Park Service address the myriad challenges it faces as the primary steward of our historic built environment.

According to the National Trust for Historic Preservation, 2,811 historic structures of national significance are in poor condition within the National Park Service system. Fiscal common sense requires the National Park Service to embrace preservation-minded partners like Partners in Preservation. The National Park Service Organic Act directs the National Park Service to conserve historic objects and to provide for their enjoyment and to conserve them for the benefit of future generations. This represents a significant challenge for the National Park Service.

The National Park Service is responsible for conserving 27,000 historic structures and 84 million acres of land. Their deferred-

maintenance budget is currently estimated to be \$10.8 billion, \$3 billion of which is for structures listed on the National Register of Historic Places. This is more than leaky rooftops. This represents the potential loss of our heritage for our children and our grandchildren. Government funds alone are insufficient to meet the challenges. Private funds are needed.

Historic leases offer the opportunity to attract private capital to the Park Service's challenges. They shift the maintenance obligations to the lessee. In some cases, the lessee is required to pay rent. In some cases, the condition of the building is so poor that the lessee invests in rehabilitation in lieu of paying rent.

According to an MPCA report, for fiscal year 2009, 26 parks reported leasing revenue of \$4.3 million. In fiscal year 2007, 48 parks leased a total of 147 historic structures. This is just a small fraction of the structures eligible for leasing. In my written testimony, I have provided a list of the parks that have granted leases to date.

As members of the Appropriations subcommittee with jurisdiction over the National Park Service budget, you have the opportunity to encourage the National Park Service to pursue more historic leases or risk the loss of future historic resources. The legal framework in place and many benefits have been recognized of historic leases, primarily that underutilized park structures are preserved and rehabilitated with private funds, costing taxpayers nothing and alleviating the burden on the National Park Service. They have been underutilized. Why? In part, because park-level superintendents have limited knowledge of historic leases and the benefits they offer.

Cumberland Island National Seashore offers a textbook example of how a historic lease could preserve historic resources. On Cumberland Island, the National Park Service is responsible for the preservation of 82 individual historic structures. These range from African American chimneys left from burned slave cabins to a 22,000-square-foot mansion. They also are responsible for 47 known archaeological sites, and because Cumberland Island National Seashore is an island not connected to the mainland by a bridge, every item has to come by boat.

In fiscal year 2009, the National Park Service spent \$1.69 million on maintenance expenses. Approximately half of that money came from their operating budget and the other half came from one-time funds. These funds, while generous in that particular year, are likely to be reduced going forward, given the budget crisis. They have inadequate staff to accomplish all of the maintenance tasks at hand. Partners in Preservation is willing to invest approximately \$1 million in the preservation of two National Register historic structures which are otherwise at risk for demolition by neglect due to lack of funding. Other structures on Cumberland Island have been demolished by neglect because of lack of money. If a historic lease is granted of these structures, it is a win-win-win, a win for the public, a win for the Park Service and a win for future generations.

Our Nation's heritage is at risk of being lost if the National Park Service does not pursue historic leases more. If the National Park Service embraces historic leases and grants them more frequently, they will have had the ability to preserve far more of our history.

The alternative is to leave future generations a crumbling legacy of diminished historic resources and a loss of national heritage. Thank you.

[The statement of Margaret Graves follows:]

Margaret M. Graves, President, Partners in Preservation

We are at risk of losing our heritage if we do not use innovative solutions like historic leases to meet the challenges the National Park Service faces as the primary steward of our historic built environment. According to the National Trust for Historic Preservation, 2,811 historic structures of national significance are in poor condition in the Park System. Fiscal common sense requires the Park Service to embrace private preservation minded partners like Partners in Preservation to stem the loss of historic resources.

The National Park Service Organic Act directs the National Park Service “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.” This directive presents a significant challenge for the National Park Service which is currently responsible for conserving 27,000 historic and prehistoric structures and 84 million acres of land.

The National Park Service is failing to fulfill its mandate to preserve the nation’s historic resources. The National Park Service estimates that its deferred maintenance needs are currently \$10.8 billion, \$3 billion of which is for structures listed on the National Register of Historic Places. This staggering sum represents more than simply leaking rooftops, it represents the potential loss of a historic legacy for future generations. Government funds alone will not resolve this crisis. The Fiscal Year 2010 budget for the National Park Service is \$3.16 billion. The NPS request for Fiscal Year 2011 is \$3.14 billion. Private funds are needed to save the nation’s historic resources.

Historic leases provide an opportunity to attract private capital and expertise to the challenges of preservation of park resources. Leases offer a cost effective tool to preserve historic park structures that are underutilized and therefore at risk of deterioration. In a historic lease, the lessee agrees to invest in the rehabilitation and maintenance of the leased structure in exchange for the right to use the structure. A historic lease shifts the burden of maintenance to the lessee for the duration of the lease term. Because many of the historic structures available for leasing are not in pristine condition, many leases provide for lessee performed rehabilitation in lieu of rent. Depending on the condition of the property at the beginning of the lease term, the lessee may be required to pay rent. This much needed boost in revenue remains in the park to be used for other park needs. Historic leases offer a win win solution because they provide for privately funded preservation and maintenance and an opportunity for enhanced revenue for public park purposes. A recent report prepared by the NPCA states that in fiscal year 2009, 26 parks reported leasing revenue totaling \$4.3 million.

The value of historic leases is not only in the dollars generated in revenue but also in value of rehabilitating, restoring and maintaining park resources with private funds, saving taxpayer funds for other national priorities. Given the current federal budget crisis, the National Park Service is

unlikely to ever have all of the funds necessary to preserve the 27,000 National Register listed structures within the Park System.

Unfortunately, the National Park Service has made only limited use of historic leases to date. According to the most recent information available from Advisory Council of Historic Preservation 2008 Progress Report, in Fiscal Year 2007, 48 parks leased a total of 147 historic properties.¹ This represents a small fraction of the historic properties eligible for historic leases. Bureaucratic reluctance to embrace private preservation partners must be overcome to save historic structures from demolition by neglect. As members of the Appropriations Subcommittee with control over the Park Service's budget, you have the opportunity to direct the Park Service to pursue more historic leases or risk losing more of the nation's historic assets.

The legal framework for historic leases is well established. Historic leases are authorized by Section 111 of the National Historic Preservation Act and comprehensive regulations are included in 36 Code of Federal Regulations Part 18. In addition, Director's Order 38, issued on January 20, 2006, and the NPS Leasing Reference Manual, issued in 2005, provide substantial regulatory guidance.

A recent report prepared by the Center for Park Management outlines the many benefits of historic leases. Benefits include:

- Underutilized park structures are restored
- Provides funding for historic preservation and maintenance
- Provides NPS with option to offer preservation tax credits, as only income producing properties are eligible
- NPS ownership of capital improvements made by the lessee
- Repairs, renovation and maintenance of park facilities and infrastructure
- Reduces workload for park maintenance staff
- Reduces liability for hazardous assets
- Additional revenue for park
- Park assets are refurbished with private sector development expertise and financing
- Assets continue to be well maintained, enhancing National Park Service mission
- Fosters economic growth in the local community
- Strengthens relationship between park and local business

¹ Advisory Council for Historic Preservation Progress Report dated September 30, 2008. Although there is no current inventory of historic leases, there is an ongoing effort to collect this information and make it accessible to park personnel.

- Outreach to community²

Historic leases have not been fully utilized in part because there is limited park-level knowledge and understanding of the leasing authority and program. Local superintendents are faced with a myriad of challenges and often lack the resources to explore creative solutions to management challenges and yet they have a great deal of discretion to make decisions that can directly impact whether a park's historic resources survive. I have seen historic resources demolished by benign neglect. Many park superintendents are unaware of historic leasing benefits and therefore do not pursue this option. I personally have found it necessary to educate park personnel at the local level about historic leases and the benefits they offer. Individual parks need to be encouraged to educate themselves about historic leases and to proactively identify leasing opportunities.

The parks that have pursued historic leases are enthusiastic about the benefits and believe that the program has real potential to address critical historic preservation needs. Historic leases have been granted in the following parks:

Acadia National Park
 Antietam National Battlefield
 Appomattox Court House National Historic Park
 Boston National Historical Park
 Buffalo National River
 Cape Cod National Seashore
 Cape Lookout National Seashore
 Chesapeake & Ohio Canal National Historic Park
 Chickamauga & Chattanooga National Military Park
 Cuyahoga Valley National Recreational Area
 Golden Gate National Recreational Area
 Grant-Kohrs Ranch National Historic Site
 Herbert Hoover National Historic Site
 Hopewell Culture National Historic Park
 Horse Shoe Bend National Military Park
 Hot Springs
 Independence National Historic Park
 Indiana Dunes National Lakeshore
 John Day Fossil Beds
 Keweenaw National Historic Park
 Klondike Gold Rush

² National Park Service Leasing Program Assessment Final Report: Finding and Recommendations by Kristen McConnell, Stephanie Hester, Geoff Kish. November, 2010

Lincoln Home National Historic Site
 Lowell National Historic Park
 Martin Luther King, Jr. National Historic Site
 Pea Ridge National Military Park
 San Francisco Maritime National Historic Park
 Shiloh National Military Park
 Statue of Liberty National Monument
 Valley Forge National Historic Park³

These leases include historic structures of all sizes and types and agricultural land. Each lease is crafted to the specific site's needs but all of the leases require that any rehabilitation or restoration work meet the Secretary of Interior's Standards guaranteeing only quality work.

Cumberland Island National Seashore offers a textbook example of how a historic lease could enhance the preservation of the Seashore's historic resources. The Seashore was established in 1972 "in order to provide for public outdoor recreation, use and enjoyment of ... shoreline, and waters ... and to preserve related scenic, scientific, and historical values." 16 U.S.C.459i. The Seashore includes a myriad of diverse historic resources ranging from Native American shell middens to large historic mansions. The National Park Service is responsible for the preservation of 82 individual historic structures and 47 known archeological sites. In Fiscal Year 2009, the Seashore spent \$1.69 million on maintenance expenses (\$841,993 from the Park's operating budget and \$848,786 in one time funds) and yet these funds were inadequate, a fact acknowledged by park personnel and outside advocacy organizations.⁴ In December 2010, the NPS gained control of the Grange and Beach Creek Dock House, two National Register listed structures highly visible to visitors. The Park Service does not have a use for these structures nor the funds to preserve them. Partners in Preservation is willing to invest the necessary funds to rehabilitate these structures at an estimated cost of \$1 million to ensure they are left "unimpaired for future generations." Other National Register listed structures within the Seashore have been lost to demolition by neglect due to inadequate maintenance funds. A historic lease of these structures would guarantee their preservation and alleviate the maintenance burden on the National Park Service – a win, win, win for the public, the Park Service and future generations.

In sum, our nation's heritage is at risk of being lost due to the lack of necessary public funds to preserve and protect historic resources within the National Park System. If the National Park Service embraces historic leases as a flexible, cost effective tool, many historic resources can be saved for the benefit of future generations. The alternative is to leave future generations a crumbling legacy of diminished historic resources and a loss of national heritage.

³ Report of the National Park Service Sept.30,2004 pursuant to Executive Order 13287 "Preserve America" Section 3 Improving Federal Agency Planning and Accountability

⁴ 2009 National Parks Conservation Association State of Parks Report for Cumberland Island National Seashore.

Mr. SIMPSON. Thank you. Thanks for your testimony and the work you do. We appreciate the private sector being involved in much of this.

Ms. GRAVES. They can be a great partner.

Mr. SIMPSON. That is right. Thank you.

Next we have Trent Clark, Public Relations Affairs Director and representing the Federation of State Humanities Councils. Welcome. He is from Idaho. Imagine that. Trent and I have been friends for many, many years, and I appreciate you being here today, Trent.

THURSDAY, APRIL 14, 2011.

HISTORIC PRESERVATION, ARTS AND HUMANITIES

WITNESS

TRENT CLARK, PUBLIC AND GOVERNMENT AFFAIRS DIRECTOR, FEDERATION OF STATE HUMANITIES COUNCILS

Mr. CLARK. Thank you very much Congressman, and let me extend to you the greetings and well wishes of the other members of the Idaho Humanities Council Board, many of whom are friends and folks you know very well.

I was going to say for the benefit of the other members I might introduce myself, but as you know, I also in my day job represent Monsanto, who employs directly and indirectly roughly 3,000 Idahoans in southeast Idaho. But it is my privilege to be a volunteer on the Idaho Humanities Council.

I am here today representing the state humanities council, and as that organization supporting the humanities budget request of \$167.5 million for the National Endowment for the Humanities. I am here specifically to justify and explain the value that is achieved to the taxpayers out of the \$47 million of that budget that is allocated to the endowment's federal-state partnership. That is the money that goes out to the 50 states and six territorial councils. In doing that, one thing I hope you do understand is, there is tremendous bang for the buck achieved when that money is distributed out across the Nation. For every federal dollar that is invested in that public federal-state partnership, there are 5½ dollars that are added then to it, so you get tremendous bang for the buck.

The remaining question then is with that highly leveraged impact, what are you achieving? Well, here is my answer, and there are five specific achievements. First of all, the council programs lift our sights above the day-to-day grind to focus us on important questions like where have we been and where are we going. In Idaho, for example, we just had a council meeting where we distributed \$85,000 in grants to projects all across the State of Idaho, and those range from everything like the museum up in Bonners Ferry. Have you been there, Congressman, where a local artist has painted portraits of all of the great figures of Bonners Ferry? And one can go to that museum and basically learn the history of the community just by reading the captions under all of these portraits. In Malad, we funded the Welch Festival which, as you know, is about Malad's only cultural event. I mean, it is the peak of society in Malad, Idaho. And I am really looking forward to something we

just voted to fund, and that is a recollection piece on the Fort Bridger Treaty, which as, you know, Congressman, that Fort Bridger Treaty and the history of it, the three times that it was abrogated by the Federal Government and then the other three times that we as a Nation walked in and renegotiated the treaty actually explain why the culture of Fort Hall is the way that it is today, and a good recollection of that history is critical for us to understand how to deal with the Sho-Ban Nation in this day and age. So those are the kinds of things that are funded.

The second achievement that we get through the council programs is a reach into communities that are remote and otherwise really difficult to penetrate with humanities content. I mentioned Malad, for instance, the fact that if it were not for our council funding we would not have a Welch Festival in Malad. In 2010, council programs reached an estimated 5,700 communities, and many of them are in these rural areas where if it were not for the council-supported projects, those projects are the communities' annual humanities education experience.

Let me give you an example. The Kansas Humanities Council funded a project called Kansans Tell Their Stories, and through 64 grants in 55 different communities, the program then engaged over 314,000 Kansans in this dialog about where their history comes from, and they participated either in person or online in oral histories, research projects, museum exhibits. They even had television series, podcasts and special speaker engagements.

In Kentucky, the Kentucky Chautauqua serves a very similar purpose because through that program they bring characters portraying famous historical figures into classrooms and into gatherings where they can sort of examine the history through the eyes and the minds of those particular characters. One such character, for instance, is Lt. Anna Mac Clarke—no relation of mine—but was the first African American officer to command white troops, and kids now in Kentucky are able to hear this point of view. In fact, through those presentations, 35,346 Kentucky schoolchildren have had a chance to learn a little bit about their history.

Achievement three: Councils preserve and strengthen local institutions. That 5½ dollars for every dollar invested I talked about, that actually comes with tremendous grassroots outreach. It is one of the ways that Congress supports what I consider to be one of the greatest assets of the modern world, and that is that we have communities with museums and libraries, and those museums and libraries are really the source of the information for the information age. These local organizations receive a lot of their funding through the state councils, and I can give you an example of Utah where there are 255 museums where the museum curators have been able to learn interpretation and the ability to put together informative exhibits because of the Utah Council of Humanities funding.

Well, I may be out of time, Congressman, but I just would like to conclude by saying that I want to confirm what the National Endowment for the Humanities Chairman Leach had to say about the mission and role of the humanities funding, and that is to inspire and sustain the essential element of a free society and self-government, which is civil discourse. As our Nation steps up to answer the challenges we face today, we will need more of that discourse,

not less, and for that reason, we ask you to support us in carrying out that mission by helping us fund the very activities that uplift Americans in every corner of the Nation, in all walks of life, to focus on the humanities in their community, their state and their Nation. Thank you, Congressman.

[The statement of Trent Clark follows:]

Testimony on behalf of the Federation of State Humanities Councils

Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Trent L. Clark, Director of Public and Government Affairs for Monsanto Company; Board member, Idaho Humanities Council; Addressing the National Endowment for the Humanities, April 1, 2011.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. I am the Public Affairs Director with Monsanto, an agricultural technology business whose western U.S. manufacturing is based in Soda Springs, Idaho, and I am here to support the humanities community request for FY 2012 of \$167.5 million for the National Endowment for the Humanities, including \$47 million for the Federal-State Partnership (combining the FY 2010 levels of \$40.3 million through the Federal/State Partnership and \$6.8 million through We the People).

As a businessman, I understand the importance of investment, and this is what the state council funding is—an investment in our communities. But what an investment! The \$47 million in funding for the state councils is allocated among the 56 councils and goes directly to the states for activities that educate and engage individuals and strengthen our communities. Our heritage, our culture, our stories, our ideals and values matter, and funding for what defines us as a people is as vital to our nation as is an investment in science and technology.

I also understand the importance of maximizing the return on investment, and this is what the state humanities councils do with the federal funds they administer. As full partners of the NEH, councils receive their core funding through the Federal/State Partnership line of the NEH budget and use that funding to leverage additional funds from such sources as state government, foundations, corporations, and private individuals. In 2010, every federal dollar the councils awarded through grants to local institutions leveraged, on average, \$5.50 in local contributions. Councils further extend their resources by forming programming partnerships with organizations and institutions throughout their states. As a taxpayer, I applaud the care with which councils use these funds; as a citizen, I appreciate the many benefits Americans gain through their programs. The funding you allocate to the state humanities councils represents an investment in the nation's communities, cultural and civic organizations, and educational infrastructure.

There are a number of other reasons that maintaining the current funding level for the state humanities councils is so important at this critical time.

1) Council programs educate citizens across the country every day. In my home state of Idaho, the Idaho Humanities Council awards over \$200,000 annually in grants. At a recent meeting, the council fielded an unprecedented number of requests for grant support and awarded more than \$85,000 to organizations to fund programs ranging from new museum exhibits in Bonners Ferry in Idaho's panhandle to a Welsh cultural festival in Malad in southeast Idaho, and from a project launched by the Fort Hall Shoshoni-Bannock Reservation exploring the history of the Fort Bridger Treaty to community-wide reading programs in Rexburg and Lewiston. In 2011 and 2012 the council will sponsor a tour of the Smithsonian traveling exhibit, "The Way We Worked," about the history of work in America, to six Idaho communities—Priest River, McCall, Coeur d'Alene, Burley, Twin Falls, and Bonners Ferry. The council will also sponsor

lectures by journalists and historians in three Idaho cities. These are examples from just one state of the array of council programs. The councils make education an accessible community experience, at very low or no cost.

2) **Council programs reach communities in every corner of the states.** In 2010 council programs reached 5,700 communities, many of them in rural areas where council programs were the only cultural or educational programs available to the citizens. These programs are tailored to the needs of the state and are often designed by local institutions and organizations. The Kansas Humanities Council, for example, in 2004 launched an initiative called “Kansans Tell Their Stories” to support projects allowing citizens of the state to explore their heritage and traditions. The initiative has so far supported 64 grant programs in 55 communities, engaging 314,440 Kansans either in person or online, in community-initiated programs including oral histories, research projects, museum exhibitions, television series, podcasts, and special speakers. As the librarian who hosted one of these programs said, “We can keep the doors open and provide basic services, but it’s the Kansas Humanities Council programs and projects that really kick us up a notch and enhance our library and community.”

Since 1992, the Kentucky Humanities Council’s Kentucky Chautauqua has educated citizens about the state’s history, heritage, and culture through engaging presentations by scholars portraying famous figures, such as Henry Clay and George Rogers Clark, and lesser-known but important Kentuckians such as Lt. Anna Mac Clarke, who was the first African American officer to command white troops. From 2008 to 2010, 726 Kentucky Chautauqua presentations took place, serving all of the state’s 120 counties and engaging 53,000 adults. During the same period, the Kentucky Chautauqua classroom programs provided education in American history and civics for 35,346 Kentucky schoolchildren.

Many programs and activities supported by council grants simply would not happen if council funding disappeared; citizens in thousands of communities across the country would be deprived of opportunities to learn about the events and ideas that shaped their state and nation.

3) **Councils preserve and strengthen local institutions.** Councils are the primary support structure for culture across their states. Over the past few years, as the economic downturn hit one organization after another, council grants and collaborations have made it possible for these organizations to continue providing programs that kept their communities vibrant. Because of the collaborations forged by state humanities councils, 175 organizations in each state, on average, were able to continue to serve their citizens. The councils are particularly effective at providing support that builds the professionalism of community institutions and organizations. A prime illustration is the Museum Interpretation Initiative in Utah, which helps Utah’s 255 museums strengthen their interpretation skills, create more effective exhibitions, provide more sophisticated learning experiences for their own community residents, and attract tourists to the area. A curator at one of the participating museums told the council, “Our museum’s capacity to provide interpretive programming has increased tremendously. Rather than just throwing together displays, we now know how to create interpretive exhibits, and supplement them with interactive elements, self-guides, and more educational tours and programs. I think we have become a very different and better museum.”

Museums and libraries are among the most important institutions in any community, and state humanities councils are principal supporters of both. Since 2009 the California Council for the Humanities, with financial support from NEH and the California State Library, has worked with the County Library Systems to train librarians to facilitate dialogue in their communities. Librarians in the participating systems develop their own programs and lead discussions of importance to their communities. As evidence of the benefits of this program to the libraries themselves, the Riverside Library System reported in 2009 that all 34 libraries in their system had formed new partnerships, forged closer relationships with civic and political leaders, attracted new volunteers, and strengthened professional relationships with other library branches. The initiative provided citizens of the communities with an opportunity for highly participatory conversations in a welcoming atmosphere about important questions affecting their day-to-day lives, while also transforming libraries into vital community centers.

4) **Councils support K-12 education.** In this economic climate, state budget cuts are not just killing innovative programs for students and teachers but in some states are eroding such basic programs as history, civics, and social studies. Councils are the only resource in many states providing professional development for teachers and are often the only entity providing support for civics education, an increasingly important area of learning for students. The state of Rhode Island recognized the seriousness of this need several years ago and created a commission that developed standards for civic education, but at the time, the fiscal environment made it impossible to implement the standards. A year ago the Rhode Island Council for the Humanities revived this effort with a statewide initiative called “Democracy Demands Wisdom: Grants for Civic Education.” Grants have been awarded to fund professional development for teachers, creation of curricular materials, and creative opportunities for students to learn about their responsibilities as citizens in a democracy.

Engaged and well-educated teachers are essential to ensure that our nation’s classrooms are a creative and vibrant learning environment. Humanities Texas offers a “Teacher Enrichment Program,” which enables classroom teachers to study important topics in U.S. and Texas history with the nation’s leading scholars. This program helps teachers expand their mastery of the subjects they teach and provides instructional resources such as facsimiles of historical documents and photographs as well as digital and online resources. The council actively recruits early-career teachers working in low-performing schools, thereby serving those in greatest need of training. Of the 492 teachers who participated last year, 85 percent teach in schools, districts, or areas in which students struggle on statewide assessments, and 54 percent have just five years or less of classroom experience.

Councils also provide grounding for teachers in subjects of specific importance to the students of their state. Last year the Ohio Humanities Council offered a two-week summer institute for teachers called “A People and their Homeland: the Miami Tribe,” which immersed teachers in the cultural history of the Miami as well the natural history of the tribe’s ancestral land, plants and animals.

Despite severe cutbacks in public education recently enacted by the Idaho State Legislature, the Idaho Humanities Council, with sufficient federal funding, will continue to provide transformative opportunities for K-12 teachers, including annual intensive week-long residential

summer institutes exploring such topics as Native American literature, the works of Mark Twain and Ernest Hemingway, the U.S. Constitution, Idaho history, and the presidencies of Abraham Lincoln and Thomas Jefferson. But the council already receives far more applications than it can accommodate each year, and a reduction of federal funding will further harm this program.

5) Councils help build understanding of community history and identity. The local history and heritage programs councils support are of tremendous value to the residents of the state, helping not only to promote understanding of the challenges and triumphs individual communities have experienced but also to unite them. A program funded by the Oklahoma Humanities Council, entitled “Drought, Determination, and Displacement: A Dust Bowl Symposium,” offered a day-long event that included lectures, exhibits, films, and oral histories commemorating the 75th anniversary of Black Sunday, the day the worst “duster” struck the area. Humanities scholars helped guide 675 individuals from Panhandle counties through an exploration of the cultural, social, and economic legacy of the Dust Bowl in one of its hardest hit areas. The program enabled citizens of all ages to explore a difficult but important period, engage in dialogue with their neighbors, and learn from the leading humanities scholars in the field. One participant commented, “This program was valuable since younger people need to know and understand the past.” The financing of the program was itself a demonstration of community cooperation—and of the multiplier effect of the federal dollars awarded by councils: a \$7,000 grant from the council leveraged \$50,960 from a local community foundation that included funds from several local banks, the local library, a utility company, and local citizens.

The Wyoming Humanities Council’s “A Wyoming Conversation” program several years ago drew more than 60,000 citizens into facilitated conversations in twelve communities on changes affecting Wyoming. The council followed this up in subsequent years with conversations on three topics of particular importance to the citizens of the state—family, newcomers, and the balance between preservation and development. These conversations were launched through a variety of formats, including radio programs, theater productions, newspaper editorials, and a public television forum with the Governor and First Lady participating in a citizen panel.

Council programs play a valuable role in helping communities put current issues in historical context. In 2008 the Tompkins County legislature approved a comprehensive county-wide plan to achieve an 80 percent reduction of carbon emissions by 2050. The New York Council for the Humanities funded an exhibit to educate residents about the local environmental sustainability movement. Displayed in the History Center in Tompkins County, it drew from a series of public programs involving experts and concerned citizens. The exhibit narrative spans hundreds of years, from the contributions of the Haudensaunee, or Iroquois, to the creation of local environmental and energy efficiency organizations, and illustrates the evolving meaning of environmental sustainability.

To help meet growing needs in their communities, councils have steadily expanded and diversified their funding base over the past decade, but the federal investment in these programs is critical to their ability to leverage other funds and maintain their core operations. We are asking you to provide funding that will allow them to continue to build on that federal investment to serve the citizens of your states and those of your colleagues across the nation.

Mr. SIMPSON. Thank you, and thanks for your testimony. One of the concerns—I have been a fan of Jim Leach's for a long time. I have served with him here in Congress and we spent hours together talking about a variety of things, both in my office and in his, and in this C.R. that we are passing, obviously the arts and humanities got cut somewhat. We were able to prevent some of the dramatic cuts that we were fearful would happen. Is there concern that as resources go down from the state humanities councils that those grants that go to states will be reduced rather than the Washington, D.C., bureaucracy, if you want to call it that, that it will be fed back to the states, the cuts? Is there concern about that?

Mr. CLARK. Well, there is concern primarily because there is so much value to be achieved through the partnership process. I mean, just from the examples I have given you, Congressman, the on-the-ground effect of the National Endowment for the Humanities is so leveraged in these local grants. It would be a shame to lose that leveraging by not having those funds flow down into these small rural programs.

Mr. SIMPSON. Thanks. Thanks for being here today, Trent. I appreciate it very much.

Mr. CLARK. Thank you.

Mr. SIMPSON. Next we have Dr. Michael Brintall, the President of the National Humanities Alliance.

THURSDAY, APRIL 14, 2011.

HISTORIC PRESERVATION, ARTS AND HUMANITIES

WITNESS

MICHAEL BRINTALL, PRESIDENT, NATIONAL HUMANITIES ALLIANCE

Mr. BRINTALL. Mr. Chairman, thank you for having me. I am here on behalf of the National Humanities Alliance. Our members are 104 scholarly associations, professional associations, institutions that represent tens of thousands of scholars, professors, curators, other professionals working in the humanities. I am the elected president. I am a political scientists and I am also the Executive Director of the American Political Science Association.

We as the federation urge the subcommittee to fund the NEH at the fiscal year 2010 level of \$167.5 million. Our written testimony includes some discussion of that. And in response to the points you are raising, the NEH is a small agency that does a very big job and in fact does three big jobs. We have been hearing about those here. It protects and preserves cultural resources, it facilitates broad public engagement with the Nation's heritage, and it supports basic scholarly research and education in the humanities, and that is the point I want to emphasize here, but it does all of this on a remarkably small budget, and we cannot risk cutbacks that would enfeeble any one of those activities nor I think compel a situation that would compel sacrificing one for the others. So even modest cuts can have crippling effects when they are spread across those roles.

I started my career wanting to be a city planner. I thought the cities needed help. I thought the solution would be easy and that planning and civil engineering would fix things up. I went to MIT

in 1968 to study city planning. As I began to study the urban issues, I discovered that urban affairs was really a humanities problem. Urban issues are grounded in neighborhoods. Sometimes they followed folk traditions. Progress required mechanisms for people to work together with civility. Everything was planned with local history. We could learn a lot from other places and times about how local government can respond creatively.

So in the end, my studies shifted to humanities and social sciences with the same interest in helping cities but no longer thinking it would be easy. The humanities alert us to hard problems and then they help us to address them. As I started those studies, I happened to spend a summer on a ranch in the West, and this had a big effect on me too, and it was not Idaho, it was Montana——

Mr. SIMPSON. Close enough.

Mr. BRINTALL. Close enough. Where I debated urban issues with ranchers and was schooled in values of individual responsibility and property rights, and I saw how we all have a common stake as a Nation in each other's so-called local concerns. I came away from this academic and this real-world introduction to the humanities with a deep respect for shared ideas and the gathering of evidence about them and for public engagement across the country and across diverse issues, and I realized that this individual experience that I had is what the NEH really affords the whole Nation.

Public support made a big difference in those studies as they do for many scholars. I had veterans benefits, for which I am deeply grateful. I had other Federal Government support for my graduate work. I am deeply appreciative that the public had invested in the promise of my career and in turn my career as a scholar, as a teacher and as a public official has been shaped by a conviction that I was charged with a public responsibility. If the NEH is afforded the resources it needs to support new generations of scholars and teachers, I can attest that they too will repay the investment for a lifetime.

The humanities are essential in their own right but they are also essential partners for economic and scientific progress and for our national security. Let me give one quick illustration. General David Petraeus holds a PhD in political science. He recently received one of the highest honors in the American Political Science Association for his career. In his remarks, he emphasized that national security is a humanities problem. He emphasizes the study of humanities for young officers around him, urging they know and study history, language, and local cultures in order to meet our contemporary national security challenges.

With its broad mission, the NEH is the focal point for national attention on the role the humanities can play for the Nation, aligning scholarship and teaching with preservation and public engagement. In framing this mission, NEH Chairman Jim Leach has described the leadership role of the NEH in two important ways: that it builds infrastructure for ideas, just as we do at the National Science Foundation and with other research agencies, and it leads in the democratization of ideas, expanding scholarly knowledge of our history and culture in ways that are shared with active public engagement.

We are grateful for the strong bipartisan support that this subcommittee has shown the NEH in the past, and we hope you will consider the strongest possible support for it in 2012.
[The statement of Michael Brintall follows:]

Public Witness Testimony

**Submitted to the Interior, Environment & Related Agencies Subcommittee,
Committee on Appropriations, U.S. House of Representatives
Regarding FY 2012 Funding for the National Endowment for the Humanities
Michael Brintnall—President, National Humanities Alliance (April 1, 2011)**

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance (NHA) and its 104 member organizations and institutions, we write to express strong support for the National Endowment for the Humanities (NEH). Our members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities. ***For FY 2012, we respectfully urge the Subcommittee to continue funding for the National Endowment for the Humanities (NEH) at the FY 2010 enacted level of \$167.5 million.***

Overview

As you know, the President's FY 2012 Budget proposes \$146.3 million in funding for NEH, including \$118.2 million for program funds and \$28.0 million for administration. This represents an overall cut of \$21.2 million (about 13%) from the NEH's FY 2010 budget level. For NEH program funds (which support grants at the national and state levels), the President's budget represents an even deeper decrease of \$21.8 million (about 16%) from the FY 2010 level of \$140 million. *We do not support the cuts proposed by the Administration*, and are especially concerned about the deep erosion of funds that the President's Budget represents for NEH competitive grants nationwide.

In recent years, the National Humanities Alliance has proposed significant new funding to help rebuild and expand NEH programs, that were cut dramatically in the mid-1990s. We recognize the seriousness of the fiscal situation faced by Congress and the Administration, and understand that now is not the time to request an increase for this agency. However, we do not believe that cutting a relatively small discretionary program like NEH—which represents a tiny fraction of the federal budget and plays such an important role—is the solution to the current crisis.

- While much smaller than many of its counterparts in the federal government, such as the National Science Foundation, NEH is the lead federal agency tasked with advancing and preserving knowledge in a broad range of academic fields, and it plays a central role in supporting the nation's education and research infrastructure.
- NEH grants support high-quality resources, materials, and programs that reach individuals and communities in every state and district in this country.
- NEH funding is an extremely efficient investment of taxpayer funds, with most NEH grants leveraging significant direct or indirect non-federal support.

A \$22 million cut to NEH will have a significant and detrimental impact on the ability of this agency to fulfill its mission to the American people, without resolving the deficit in any meaningful way. Moreover, these cuts will deprive the American people of critical resources at a time when they are needed more than ever.

Importance of the Humanities

The public value of the humanities is unquestioned. They enrich individual lives, they bring communities together, they underpin our civic institutions, they bring forth our history and our shared values, they make possible how our heritage is understood and preserved, and they support a broadly educated and competitive workforce.

The humanities encompass a broad range of fields—including the study of languages, linguistics, literature, history, law, government, philosophy, archaeology, comparative religion, ethics, and more. From the basic building blocks of early education, to the highest levels of academic attainment, humanities fields provide essential skills and competencies, and support critical modes of thought. Students who get a sound humanities education, focused on careful reading and disciplined writing, do better in all fields of study, and are sought after by employers. Study and knowledge of the humanities prepare us to become active and informed citizens, as well as to succeed in the increasingly competitive, and global workforce.

Almost all sectors and trades depend on a U.S. workforce with access to high-quality education in humanities fields across the educational continuum. But the humanities workforce itself is significant, with more than 2.5 million Americans directly engaged in a broad range of humanities professions—K-12 teachers, college/university faculty, museum curators, librarians, translators, news analysts, and others. This figure does not include the many trades that require professionals with advanced aptitude or training in the humanities, such as: advertising, marketing, public administration, law, national security, intelligence, international trade, arts, entertainment, science, engineering, health, and more.

Finally, the humanities represent areas of expertise vital to addressing complex policy challenges—from informing medical ethics, to understanding the root causes of world hunger, to fighting illiteracy. And they support capacities especially relevant to the 21st century: knowledge of world cultures, religions, and languages; understanding of U.S. history and democratic traditions; and humanistic perspectives to evaluate the implications of scientific and technological advances.

National Needs

As the NEH founding legislation recognizes, there is a clear federal role in supporting the humanities, just as there is for the sciences and other fields: “An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.” At a time of rapid globalization, technological development, and severe economic challenges, the wisdom of this statement is *as evident today – if not more so* – than it was almost fifty years ago.

According to many corporate executives, higher education leaders, and other experts, the U.S. liberal arts curriculum in our nation’s schools, colleges, and universities is at risk. The U.S. has a long tradition of fostering broad access to education that integrates learning across the sciences, mathematics, and the humanities. Even as we move away from this approach, it is aggressively being emulated by China and other nations around the world who have identified this aspect of our educational system as a unique driver of U.S. economic leadership and innovation in the last century.

In recent studies, employers rank reading and writing as top deficiencies in new hires, with more than a third of employers finding high school graduates “deficient” in reading comprehension, and “written communications” topping the list of applied skills found lacking in high school and college graduates. This comes at a real cost—with annual spending on remedial writing courses estimated at more than \$3.1 billion for large corporations and \$221 million for state employers.

As the impact of the recession continues to be felt around the country, many Americans are turning to further education, and local resources like libraries, museums, and state humanities councils as a means of finding jobs, and connecting with their communities at a time of crisis. While demand for their services increases, many non-profit humanities institutions and organizations are struggling to maintain access to programs, due to continued constriction of traditional revenue sources (e.g., endowments, private giving, state and local funding). School districts are cutting back on teachers and course offerings, and many colleges and universities—especially public institutions—have closed humanities departments or cut back on full-time instructors, despite growing wait-lists for basic courses like writing and history.

The NEH Role

The NEH is the lead federal agency with the mission to create, preserve, and disseminate knowledge in the humanities that is essential for the achievements described above. Each year, NEH awards hundreds of competitive, peer-reviewed grants to a broad range of nonprofit educational organizations and institutions, and to individual scholars, throughout the country. Grantees include: universities, four- and two-year colleges, humanities centers, research institutes, museums, historical societies, libraries, archives, scholarly associations, K-12 schools, local education agencies, public television/film/radio producers, and more. These grants help support educational advancement, professional development, jobs and institutional activities for thousands of students, teachers, faculty, and others engaged in the humanities in communities across the U.S. every year.

As noted above, we are especially concerned about the decline in funding for NEH competitive grants. From the community’s perspective, NEH competitive grants fall into two categories:

- ‘Core Programs’ (*Research, Education, Preservation, Digital Humanities, Challenge Grants, and Public Programs*)
- ‘Special Initiatives’ (*Bridging Cultures, We the People*)

NEH grants are known for their quality, and their ability to leverage significant non-federal funding for humanities projects nationwide. They are also extremely competitive. Annually, demand for humanities project support through NEH *far exceeds funding available*. In FY 2010, NEH received 5,205 competitive grant applications representing more than \$515 million in requested funds (a 20% increase in the number of applications submitted for the previous year). Of these, NEH was able to fund only 16.6% of the proposals submitted. This is too low, when compared to recent rates as high as 32% reported by grant-making agencies like the National Science Foundation (NSF), and means that excellent work vital to the humanities is unable to go forward.

Examples of underfunded NEH grant programs include: *fellowships and collaborative research; digital humanities projects; professional development for teachers and faculty; preservation of historically-significant collections; public film, radio, television, and digital media projects; and challenge grants* to build institutional capacity and leverage non-federal support.

Impact of the President's Budget Request

Competitive Programs—Unfortunately, the President's Budget for FY 2012 would deeply and disproportionately cut NEH competitive grants. Collectively, total funding provided for competitive grants through the NEH Core Programs (listed above) would decrease from \$79.6 million in FY 2010 to \$70.8 million in FY 2012—an \$8.7 million (or 11%) cut. In addition, the President's Budget terminates *We the People*, an initiative launched in 2004 to advance understanding of U.S. history and culture (funded at \$14.5 million in FY 2010). Since its inception, *We the People* has been structured to redirect funds across NEH programs and divisions. But by cutting *We the People*, rather than allocating its resources to the NEH programs that underpin it, the budget proposal further weakens NEH core programs. While amounts have varied annually, in recent years, NEH core programs have received, on average, roughly half of *We the People* funds (\$7.4 million in FY 2010). ***Factoring in termination of We the People, we estimate the total impact of the President's Budget on NEH competitive grants would be a reduction of at least \$16 million (or 18%).***

Looked at over a longer time frame, the situation is even more difficult. Funding for NEH competitive grants through the national core programs is very low compared to past years, and we cannot let it fall further behind. In FY 1994 (the nominal funding peak for the NEH), collectively, funding for these programs was provided at \$116.4 million. Adjusted for inflation, this would be equivalent to \$173.7 million in today's dollars—more than double the current level.

Special Initiatives—The President's Budget would provide modest, new funding of \$4 million for the agency's *Bridging Cultures* initiative, a program developed by NEH Chairman Jim Leach to enhance Americans' understanding of the nation's rich cultural heritage, as well as the cultural complexity of the world in which we live. The National Humanities Alliance has advocated for many years for expansion of the agency's programmatic coverage in areas of international education, global competency, and cultural understanding, and we welcome this effort.

NEH Federal/State Partnership—NEH extends its reach through annual operating grants to state humanities councils located in every state and U.S. territory. For FY 2012, the Administration has requested \$40.1 million, a nominal decrease of \$270,000 from the FY 2010 enacted level. There is a significant decrease, however, when also factoring in the termination of *We the People*, of a total of roughly \$7 million (or 15%).

Conclusion

This Subcommittee stands as steward to many of our nation's greatest shared natural and cultural resources. We recognize that Congress faces unprecedented and difficult choices in this and coming years. Nevertheless, we ask the Subcommittee to consider the demonstrated contributions of the National Endowment for the Humanities, and the importance of continued funding for the humanities through NEH as an investment in the nation's long-term economic recovery and competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage, and the lives of our citizens. Thank you for consideration of our request, and for your past and continued support for the humanities.

Founded in 1981, the National Humanities Alliance is a coalition of nonprofit organizations and institutions dedicated to the advancement of education, research, preservation and public programs (www.nhalliance.org).

Mr. SIMPSON. Thank you for your testimony. We will certainly look at that. As I have said many times, I am a fan of the NEH and the NEA and sometimes they need defending. I am interested, though, that you were a political science major and David Petraeus was. I was a political science major in college when I first went and I did not know what to do with political science, how I was going to make a living, so ultimately I went into dentistry and look at where I ended up.

Mr. BRINTALL. I am glad it stuck.

Mr. SIMPSON. It is kind of strange. You wanted to be an urban planner. My first job in politics, I was on the city council, a local city council, and you are right, that is where the rubber hits the road, and someone once advised me, if you are ever going to do anything else in politics, you have to get off the city council because if you are there long enough, you are going to make everybody mad.

Thank you for being here today. We appreciate your testimony.

Next we have Ken Burns, who probably needs no introduction, a famous award-winning documentary filmmaker. Just this last weekend on PBS they had your Civil War series on again that they were reshowing. It is one of the first series I ever bought when it first came out because it was such a great—if you were not a student of the Civil War before that series, you certainly made a lot of students across the country of the Civil War. And also, thank you for your series on the national parks. It is very important, and I have talked with the National Park Service and others, that we teach future generations about our national parks, where they came from and why they are there because they really are the crown jewels. So thank you for being here today.

THURSDAY, APRIL 14, 2011.

ARTS AND HUMANITIES

WITNESS

KEN BURNS, AWARD-WINNING DOCUMENTARY FILMMAKER

Mr. BURNS. It is my pleasure, Mr. Chairman, and I thank you for the tremendous honor of having the opportunity to spend a few minutes with you today.

Mr. SIMPSON. You bet.

Mr. BURNS. Let me say from the outset, as a film producer but also a father of four daughters increasingly concerned about the too-often-dangerous landscape of our popular culture that I am a passionate, lifelong supporter of the NEH and its unique role in helping to stitch our exquisite and often fragile culture together and in helping to foster creativity and scholarship and transmission of the best of that culture to future generations.

Few institutions provide such a direct grassroots way for our citizens to participate in the shared glories of their common past, in the power of the priceless ideals that have animated our remarkable republic and our national life for more than 200 years and in the inspirational life of the mind and the heart that an engagement with the arts and humanities always provides. It is my whole-

hearted belief that anything that threatens this institution weakens our country. It is as simple as that.

For more than 30 years, I have been producing historical documentary films celebrating the special messages American history continually directs our way. The subjects of these films range from the construction of the Brooklyn Bridge and the Statue of Liberty to the life of the turbulent Southern demagogue Huey Long, from the graceful architecture of the Shakers to the history of our national parks, from the sublime pleasures and unexpected lessons of our national pastime and jazz to the searing, transcendent experiences of the Civil War and the second World War, from biographies on Thomas Jefferson and Lewis and Clark to Frank Lloyd Wright, Elizabeth Cady Stanton and Mark Twain. I even made a film on the history of this magnificent Capitol building and the much-maligned institution that is charged with conducting the people's business.

Mr. SIMPSON. That would be the Senate.

Mr. BURNS. Throughout my professional life, I have been fortunate to work closely with the National Endowment for nearly every film that I have done. I first received an NEH grant in 1979 as I embarked on my first project for public television, that same film about the Brooklyn Bridge. At this very early stage of my professional life, the experience of competing successfully for an NEH grant helped me set high standards of excellence in filmmaking but also writing and scholarship and even budgeting. Over the years, I would apply many times to the NEH for support under a variety of projects; working with NEH staff and humanities scholars assigned to the projects ensured that my projects stayed true to rigorous intellectual standards and reached a broad, receptive audience of tens of millions of Americans. This interaction has been a powerful influence on my work. Without a doubt, my films would not have been made without the endowments. My series on the Civil War, for instance, would not have been possible without early and substantial support from the NEH, support, Mr. Chairman, which I have long ago repaid. The NEH provided one of the project's largest grants, more than a third of its budget, thereby attracting other funders. This rigorously earned imprimatur helped me to convince private foundations, corporations and other public funders that my films were worthy of their support.

But above and beyond these facts, there is a larger argument to be made, one that is rooted in our Nation's history. Since the beginning of this country, our government has been involved in supporting the arts and the diffusion of knowledge, which was deemed as critical to our future as roads and dams and bridges. Early on, Thomas Jefferson and other Founding Fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace of things but an active involvement of the mind in the higher aspects of human endeavor, namely education, music, the arts and history, a marketplace of ideas.

Congress supported the journey of Lewis and Clark as much to explore the natural, biological, ethnographic and cultural landscape of our expanding Nation as to open up a new trading route to the Pacific. Congress supported numerous geographical, artistic, photographic and biological expeditions to nearly every corner of the de-

veloping West. Congress funded through the Farms Security Administration the work of Walker Evans and Dorothea Lange and other great photographers who captured for posterity the terrible human cost of our Depression and Dust Bowl, the latter project I am working on that just received a grant from the National Endowment for the Humanities.

With Congress's great insight, NEH was born and grew to its startlingly effective maturity, echoing the same time-honored sense that our government has an interest in helping to sponsor communication, art and education just as it sponsors commerce. We are not talking about a free ride but a priming of the pump, a way to get the juices flowing, a collaboration between the government and the private sector, which if you will permit me, reminds me of a story. In the late 1980s, I was invited to a reception at the White House and had the great honor of meeting President Ronald Reagan. I told him I was a PBS producer working on a history of the Civil War. His eyes twinkled with a palpable delight as he recalled watching as a young boy the parades of ever-aging Union veterans marching down the main street of Dixon, Illinois, on successive Fourth of Julys. Then in almost an admonishment, he spoke to me about the need, no, the responsibility, he said, for a private sector-governmental partnership when it came to public broadcasting and the humanities. His Administration, by the way, as you know, was very supportive of these longstanding institutions. I told him that nearly a third of my budget for the Civil War series came from a large American corporation, a third from private foundations and a third from the National Endowment for the Humanities, an agency then expertly led by Lynne Cheney, the wife of our former Vice President. He smiled and held me by the shoulders the way an affectionate uncle might do and his eyes twinkled again. "Good work," he said, "I look forward to seeing your film." And after it was first broadcast in 1990, he sent me the loveliest of notes about how much he and Nancy had enjoyed it.

Mr. Chairman, the new proposals to defund or severely cut the Corporation for Public Broadcasting and the National Endowments for the Humanities and Arts will literally put us, me, out of business, period, and somewhere, I imagine, it will erase that twinkle in Ronald Reagan's eyes. Thank you, Mr. Chairman, for the chance to express my thoughts this morning.

[The statement of Ken Burns follows:]

House Testimony of Ken Burns
President, Florentine Films
Washington, DC
4-14-11

Mr. Chairman and Members of the Committee: It is an honor for me to appear before you today on behalf of the National Endowment for the Humanities, and I am grateful that you have given me this opportunity to express my thoughts.

Let me say from the outset--as a film producer and as a father of four daughters increasingly concerned about the sometimes dangerous landscape of our television environment--that I am a passionate life-long supporter of the NEH and its unique role in helping to stitch our exquisite and often fragile culture together, and in fostering creativity and scholarship and the transmission of the best of that culture to future generations.

Few institutions provide such a direct, grassroots way for our citizens to participate in the shared glories of their common past, in the power of the priceless ideals that have animated our remarkable republic and our national life for more than two hundred years, and in the inspirational life of the mind and the heart that an engagement with the arts and humanities always provides. It is my wholehearted belief that anything that threatens this institution weakens our country. It is as simple as that.

For more than 30 years I have been producing historical documentary films, celebrating the special messages American history continually directs our way. The subjects of these films range from the construction of the Brooklyn Bridge and the Statue of Liberty to the life of the turbulent demagogue Huey Long; from the graceful architecture of the Shakers to the history of our national parks; from the sublime pleasures and unexpected lessons of our national pastime and Jazz to the searing, transcendent experience of our Civil War and the Second World War; from Thomas Jefferson and Lewis and Clark to Frank Lloyd Wright, Elizabeth Cady Stanton and Mark Twain. I even made a film on the

history of this magnificent Capitol building and the much-maligned institution that is charged with conducting the people's business.

Throughout my professional life, I have been fortunate to work closely with the National Endowment for the Humanities. Nearly all of my films have been produced with the support and encouragement of the National Endowment for the Humanities, either at the state or national level. I first received an NEH grant in 1979, as I embarked on my first project for public television, a film about the construction of the Brooklyn Bridge. At this very early stage of my career, the experience of competing successfully for an NEH grant helped me set high standards of excellence...in filmmaking, writing, scholarship, and even budgeting.

Over the years, I would apply many times to the NEH for support on a variety of projects. Working with NEH staff and humanities scholars ensured that my projects stayed true to rigorous intellectual standards and reached a broad, receptive audience of Americans. This interaction has been a powerful influence on my work.

Without a doubt, my work would not have been possible without the Endowments. My series on the Civil War, for instance, could not have been made without early and substantial support from the NEH, support which I have long ago repaid to the Endowment. The NEH provided one of the project's largest grants, thereby attracting a host of other funders. This rigorously earned imprimatur helped me to convince private foundations, corporations, and other public funders that my films were worthy of their support. NEH involvement helped me in every aspect of the production, and, through unrelated grants to other institutions, they helped restore the archival photographs we would use to tell our histories. Much of the seminal research our scholars provided also came from NEH-supported projects. And NEH's interest in our progress ensured at critical junctures that we did not stray into myth or hagiography. I am extremely grateful for all those things.

But above and beyond these facts, there is a larger argument to be made—one that is rooted in our nation's history. Since the beginning of this country, our government has been involved in

supporting the arts and the diffusion of knowledge, which was deemed as critical to our future as roads and dams and bridges. Early on, Thomas Jefferson and the other founding fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace of things, but an active involvement of the mind in the higher aspects of human endeavor--namely education, music, the arts, and history—a marketplace of ideas. Congress supported the journey of Lewis and Clark as much to explore the natural, biological, ethnographic, and cultural landscape of our expanding nation as to open up a new trading route to the Pacific. Congress supported numerous geographical, artistic, photographic, and biological expeditions to nearly every corner of the developing West. Congress funded, through the Farm Securities Administration, the work of Walker Evans and Dorothea Lange and other great photographers who captured for posterity the terrible human cost of the Depression and Dust Bowl—the latter a project I am working on that just received a grant from the NEH.

With Congress's great insight NEH was born and grew to its startlingly effective maturity echoing the same time-honored sense that our Government has an interest in helping to sponsor Communication, Art and Education, just as it sponsors Commerce. We are not talking about a 100% sponsorship, a free ride, but a priming of the pump, a way to get the juices flowing, a partnership between government and the private sector.

Which reminds me of a story. In the late 1980's, I was invited to a reception at the White House and had the great honor of meeting President Ronald Reagan. I told him I was a PBS producer working on a history of the Civil War. His eyes twinkled with a palpable delight as he recalled watching, as a young boy, the parades of ever-aging Union veterans marching down the main street of Dixon, Illinois on the Fourth of July. Then, in almost an admonishment, he spoke to me about the need, no, the responsibility he said for a private sector/governmental partnership when it came to public broadcasting and the humanities. (His administration was very supportive of these long-standing institutions.) I told him that nearly a third of my budget for the Civil War series came from a large American corporation, a third from private foundations, and a third from the National Endowment for

the Humanities, an agency then expertly led by Lynne Cheney, the wife of our former Vice-President. He smiled and then held me by the shoulders the way an affectionate uncle might do, and his eyes twinkled again. "Good work, he said. "I look forward to seeing your film."

These new proposals to de-fund CPB and the Endowments will literally put all of us out of business. Period. And somewhere, I imagine, it will erase that twinkle in Ronald Reagan's eyes.

Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you, Ken. I appreciate your being here today. Thanks for your testimony. Again, thanks for the great work you have done. You, through the humanities, as you mentioned, have brought a lot of enlightenment and education to the American people.

Mr. BURNS. Thank you. There has been an argument in film schools about whether films actually got people to do anything, but the increased attendance at Civil War battlefields, the spike in attendance at the national parks after our series was aired after some flatlining or declining attendances is very heartening.

There was a round of cuts in the early 1990s that were made in the endowments. We still received significant grants but they represented 5 or 6 percent of our budgets as opposed to a third, and so any further cuts are going to just further jeopardize our ability to communicate these, I think, important shared stories.

Mr. SIMPSON. That is true. There were some significant cuts in the early 1990s, and if you look at it, we are barely getting back up to where we were at that time, let alone the loss that you have had over the years because it has not advanced since that time. And it is something that I know that Mr. Moran when he was chairman of the committee, Mr. Dicks when he was chairman of this committee and now I have all been concerned about and trying to make sure that both the Endowment for the Humanities and the Arts do not suffer those cutbacks that occurred because then it will be years to rebuild it again. So we are trying to do everything we can.

As I said, when people come to me and ask where to go in Washington and I tell them go up to Gettysburg, I always tell them you need to either get a book or get the video of the battle to learn just a little bit about it before you go there, and when I say to them, you need to take your shoes off, they look at me kind of strange, and I say just go, you will understand, and they come back and they say I get it.

Mr. BURNS. And that is why the importance of saving these places and telling these stories is essential to the continuation of our republic. It is strange that the past should ensure our future but that is exactly what takes place when we celebrate these places and these moments.

Mr. SIMPSON. I appreciate it. Jim.

Mr. MORAN. I certainly associate my thoughts with those of the chairman, and I want to again publicly thank Chairman Simpson for his advocacy of NEA and NEH in a very difficult period of time. Thank you for all the work you have done, Mr. Burns. Mr. Simpson and I think very similarly, and I have been in a little easier position. I have to tell you this is a good time when the C.R. comes on the Floor today, the reason why we have a much more reasonable level of funding for NEH and NEA is due to this gentleman right here. So he deserves a great deal of credit. And of course, his reward is the kind of product that you produce.

So it is terribly important for all Americans to understand their history, understand their culture, and now that we have a sesquicentennial celebration—recognition of the Civil War is hardly a celebration, but your work is again the hallmark, the foundation that others look to for how to depict that. Almost every show I see

on the Civil War, whether it is the background music or some of the photos, part of the video, they continue to refer. It is an historical reference today and will serve to be, I suspect, for the 200th recognition. Thank you, and I cannot imagine a better representative of what NEH accomplishes than your work, Mr. Burns.

Mr. BURNS. I thank you very much, Congressman, for those kind words, and just would repeat again what I said in my testimony which is that it was the initial grant from the National Endowment for the Humanities, fully a third of our budget, that permitted us and that rigorously earned grant to attract the corporate support, to attract the foundation support, and when we disrupt any of that fragile tripod, then we run the risk of losing the whole business. So the continued support now at 6, 7, 8 percent of our budgets is in some ways even more critical.

Mr. MORAN. You are doing one on the Great Depression, the Dust Bowl?

Mr. BURNS. We just finished one on Prohibition that enjoyed endowment support, and just have received a grant to complete a film on the Dust Bowl and are working on several other projects that I think will be of interest.

Mr. MORAN. Thanks, Mr. Chairman.

Mr. SIMPSON. Thank you.

Mr. BURNS. Thank you, sir.

Mr. SIMPSON. Next we have Ed Ayers, President of the University of Richmond, American historian, History Guys radio show personality, Digital Humanities pioneer. Anything else I should add?

THURSDAY, APRIL 14, 2011.

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ED AYERS, PRESIDENT OF UNIVERSITY OF RICHMOND, AMERICAN HISTORIAN

Mr. AYERS. No, that sounds good. All those are a little generous. As a matter of fact, I think of myself as representing sort of the everyman academic that carries on a large part of what the NEH is trying to do. My eloquent predecessors have said important things. I want to give you an image of 1985, my first NEH grant, \$11,500, paid half my salary. I bought a \$400 car and drove 12,000 miles from one Motel 6 to another across the American South to write a history of the people in the three generations after emancipation, and it was a finalist for the National Book Award and Pulitzer Prize a little while later. And then five years later, the NEH when nobody else thought there might actually be some use for this crazy World Wide Web thing, then only two or three years old, for education, and they funded something called the "Valley of the Shadow: Two Communities in the American Civil War," about the same time that Ken Burns's series was coming out, and it is still alive 15 years later and it has reached people in Latin America, China. Millions of people every year have gone to this to actually explore history for themselves by seeing all the primary documents on that.

And we are now working on a project at the University of Richmond where we are trying to make it possible to visualize what the emancipation of 4 million people actually looked like. You cannot wrap your mind around something the size of continental Europe, when did that happen, how did people become free, and so we are mapping all the progress of the Union armies and where the slave population was, documenting every instance we have of someone becoming free and putting it all in this big database.

And you were kind enough to mention our radio show, "BackStory with American History Guys," which just downloaded its millionth podcast, and we have only been on two and a half years, and once again the NEH stepped up when nobody else knew that there might be a market for three guys talking about American history, the issues it raises today. We just did a three-part series on the American Civil War and people called in from all the other United States and actually from abroad, because people want to talk, not just listen or watch. They want to read and discuss those things.

And that is the final thing that I am doing, working with the American Library Association and the NEH to put together reading groups that will be in libraries all across the United States from my native Appalachia to the reservations of the West to inner cities all across the country, and there presenting people with the raw materials of what the Civil War was, having them figure it out for themselves.

You have heard a lot about leveraging, and that is a point that I would really like to emphasize, NEH stepping up and working with the ALA to make these things possible that would not have happened otherwise.

Now, I have another perspective. I was on the National Council of the Humanities starting in 2000, and over the five years I worked on the council, I read hundreds of proposals. Everything that the NEH funds and the range of what they do is really remarkable, from museum installations and television shows to editions of the Founding Fathers and teachers institutes, the amount of imagination and good will just seeing those is both heartening and heartbreaking because not many of those can be funded. This is a very rigorous process. I mean, this is like the NSF or the NIH and the amount of budgeting and documentation are acts of scholarship in themselves, and here people come together with no compensation to judge these. Then the council looked at them all, the chairman, and what I want to emphasize is that the government's money, the people's money is so carefully stewarded. People watch and think what is the return on this, and I had a chance to see what that looks like in the process of actually making.

The NEH works in a remarkable way, for it leverages what you have heard about, local initiatives, local curiosity and local investment. The multiplier effect is really impressive. I have seen what it does for schools. I have seen what it does for historical societies. I have seen what it does for libraries and museums. It is a catalyst for the imagination and investment for people throughout the United States. It touches every kind of community. I have gone to tiny, little schoolhouses and talked to people where that would be the only chance they would have to have a book discussion or to

talk about Ken Burn's series. The staff of the NEH stretches its dollars as far as they can possibly stretch.

Something people do not realize: The United States invented the modern concept of the humanities about 100 years ago. The idea of pulling together all the studies of the human record into one place is an American invention, and from the beginning the idea was that the humanities should be useful rather than ornamental, a very American kind of cast to this, why would you want to understand these things, and very often the answer is, to foster democracy, to connect with a broad range of American people, and the NEH builds on this great tradition.

I know we face great challenges including those of budgets, and we all understand the need to examine how those budgets are used. Those who invest in humanities are not asking for a large amount of money in the grand scheme of things but we do help you to sustain what is in fact one of the best investments this country has ever made.

I am very grateful for the chance to speak with you today.

[The statement of Ed Ayers follows:]

TESTIMONY OF
EDWARD L. AYERS

PRESIDENT, UNIVERSITY OF RICHMOND

BEFORE THE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENICES
UNITED STATES HOUSE OF REPRESENTATIVES

APRIL 14, 2011

Chairman Simpson, Ranking Member Moran, and members of the Committee, thank you for the opportunity to appear before you today to discuss the remarkable benefits of the National Endowment for the Humanities, which I have seen with my own eyes and in many forms. Back in 1985, when I was an assistant professor, the NEH awarded me \$11,500, a semester's leave. I left my wife and young son to drive 12,000 miles in a 400-dollar car to archives across the South, from one Motel 6 to the next, to write a history of the South in the three generations after the Civil War and Reconstruction. Seven years later, the resulting book became a finalist for the National Book Award and the Pulitzer Prize. The NEH stepped up again a few years later when there were no other people willing to support the crazy idea of scholarship on the brand-new World Wide Web. The project my colleagues and I built, "The Valley of the Shadow: Two Communities in the American Civil War," is still living on-line fifteen years later and has welcomed millions of users, from elementary school students to Harvard Graduate School, from the counties in Virginia and Pennsylvania where it was based, to China and Latin America. I was able to use that archive to write a book that won the Bancroft Prize.

I am now working with a project at the University of Richmond where we are trying to glimpse something we have never been able to see before—the complex, swirling patterns of emancipation among the four million people who became free in the American Civil War—with the NEH funding the undergraduate students who are doing the time-consuming work. This is a thrilling prospect as we approach the 150th anniversary of the end of American slavery. The NEH has made possible a new kind of radio show, "BackStory, with the American History Guys," that brings together three historians, many callers, and fascinating interviews with Americans of all kinds of backgrounds, to living issues of today; it has appeared on over 200 stations, from Maine to California to Texas, with shows on the history of everything from federalism to courtship. And, finally, I am working with the NEH and the American Library Association to produce an anthology about the Civil War and Emancipation on the anniversaries of those two momentous events, providing the basis for five weeks of discussion at libraries of every kind across the entire nation. None of these things, I know from personal experience, would be possible, or even imaginable, without the National Endowment for the Humanities.

Given this knowledge of the essential role of the NEH, I was honored in 2000 to be invited to serve on the National Council for the Humanities, the board that oversees the work of the NEH. Over the five years I worked on the Council, I read hundreds of proposals, for everything from teachers' institutes and scholarly editions of the Founding Fathers to museum installations and television shows. The amount of imagination, creativity, and good will in those proposals was

both heartening and heart-breaking, for the NEH could support only a relatively small proportion. Whether based in a reservation in the West or a challenged school in the East, a community in my native Appalachia or in the cities of the Midwest, these projects provided people new ways to see the world, the nation, and themselves.

Like our major scientific agencies, the NEH uses a remarkably rigorous process to select the winning proposals. The proposals themselves are works of scholarship, requiring an accessible narrative, a thorough command of the literature, a compelling case for the impact they hope to make, and a rigorous budget. The proposals run to dozens of pages and are accompanied by letters of support from scholars and other allies. Panels of anonymous expert peer referees, chosen from institutions across the country and working as volunteers, review the proposals in particular categories, write brief statements regarding each, and assign an evaluation. After the panels have done their work, meeting together for many hours of discussion, the Council reviews them all, questioning staff about those that were chosen and those that were not, and then makes recommendations to the Chairman. Many eyes, in other words, examine every proposal to ensure that the resources of the NEH support projects that best serve the American public.

The NEH works in a remarkable way, for it leverages local initiative, local curiosity, and local investment. The multiplier effect is impressive, as the NEH works with state humanities councils to encourage collaboration among communities, to connect colleges, libraries, historical societies, and museums with one another and with the citizens who live around them. The NEH is a catalyst for the imagination and investment for people throughout the United States; it touches every kind of American community and every kind of American. The staff of the NEH stretches its dollars as far as they can be stretched, to wonderful effect.

The United States invented the modern concept of the humanities in our colleges and universities about a century ago. From the beginning, those humanities were meant to be useful rather than ornamental. From the beginning, the shapers of the new disciplines asked how history and literature could help foster democracy, how they could connect with the broad range of American people. The NEH builds on that great tradition, leveraging generations of investment to build one of the great humanistic enterprises in the world today.

The United States faces great challenges, including those of budgets, and we all understand the need to examine how all those resource are used. Those of us in the humanities do not ask for a very large portion of the nation's support. But we do ask that you help sustain one of the best investments our country has ever made: in the past, present, and future understanding of who we are and where we live in the world.

Thank you again for the opportunity to testify before you today.

Mr. SIMPSON. Thank you for being here. We appreciate your testimony. I agree with you, it is a great investment that we make. Thank you.

Mr. MORAN. Excellent testimony. Thank you, Mr. Ayers.

Next we have—and I am going to mispronounce this, I am sorry—Azar Nafisi. Is that right?

Ms. NAFISI. Yes.

Mr. SIMPSON. You are next. Thank you.

Mr. MORAN. I have actually read her book.

Mr. SIMPSON. She is the author of “Reading Lolita in Tehran.”

Ms. NAFISI. Yes, and I had the honor and pleasure of being with Congressman Moran when he defended culture in Iranian youth in Aspen Institution.

Mr. SIMPSON. All right.

THURSDAY, APRIL 14, 2011.

ARTS AND HUMANITIES

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AZAR NAFISI, IRANIAN ÉMIGRÉ AND AUTHOR OF “READING LOLITA IN TEHRAN”

Ms. NAFISI. Thank you very much, Mr. Chairman and Congressman Moran for giving me this rare privilege and opportunity to tell you why from the moment I left my country of birth, Iran, and came to this country I discovered the National Endowment for Humanities is a natural home for, and because I have this unique experience of living in a country where its government from its very inception 30 years ago, the Islamic Republic, waged an all-out war against individual rights and human rights in terms of an all-around assault on women, minorities and culture and alongside of it, it declared war on humanities, on culture, on imagination as sort of a part of Western conspiracy and cultural invasion by the West, especially at that time you had the honor of being the great Satan, especially invasion by America, the great Satan. And you know, in 2009, before Egypt, before Tunisia, before Libya when hundreds of thousands of Iranian people came into the streets to protest the rigged presidential elections, the assault again turned to humanities. They said that this was a Western conspiracy to lead our people astray and so they shot down all the humanities. They threatened to shut down all the humanities departments at the universities, and for all practical purposes, they have almost done that.

So I often wonder when we think of Iran, we immediately think of Mr. Ahmadinejad with this sort of cynical grin, you know, as if he has just broken the neighbor's window and gotten away with it, but, you know, if you look at it through the alternative eyes of imagination, through the alternative eyes of culture, through the alternative eyes of history, we discover not our differences but how the Iranian and the American people have in fact in common, a country with 3,000 years' history, a country that had the first constitutional revolution in Asia, a country with its women like Sojourner Truth, like Harriet Beecher Stowe, like Elizabeth Cady Stanton, for over 100 years ago fought for their rights. At the time

of the revolution in 1979, Iranian women were active in all walks of life. We had two women ministers, one minister for women's affairs. My own mother was one of the first women who went into the congress in 1963, 11 years before Switzerland had given women the right to vote.

So what I am trying to say, and you might say, okay, you know, what does all this have to do with humanities. I want to tell you that humanities was the first victim alongside of all this. They lowered the age of marriage from 18 to 9. They brought punishment of stoning to death for what they called the crimes of adultery and prostitution. They also excised Olive Oyl from most of the scenes in Popeye because you did not know that she was a loose woman and she was having an illicit relationship. In the same manner, they took Ophelia out of most scenes of the Russian version of Hamlet for the same reason. So you see, for me, before I came into this great country, I had already made my home through the first book that I read from America was the Wizard of Oz and Huck Finn which is still my companion and Frederick Douglass and Abraham Lincoln and Emerson, who translated the two classics of Iranian literature, and Walt Whitman and Saul Bellow. When my children, who had watched the forbidden videos of Marx Brothers and Laurel and Hardy, when they came to this country they had already felt that home and you can see why National Endowment for Humanities was really my home. It was a place where I felt that I can continue to be part of this great country and at the same time be a citizen of the world. Like millions of people, sir, I came to this country not to fill my pockets, not to make money. I came to this country because it was founded on a dream, because it was founded on this courage to believe that what is imagined can also be actualized.

You know, I think of the monuments in this great city. I think of the three monuments to the three Presidents who talked about to be enlightened means to join the great republic of humans, of Jefferson, whose Library of Congress reflects the ideals of the Declaration of Independence, of Lincoln, whose language is filled with the poetry of the Bible and Shakespeare and of Martin Luther King who on the steps of the Lincoln Memorial reignited the dream, the passion for that dream and gave his life in order to make it possible. I think of the women's movement. I think of the civil rights movement. And when I think of all of this, I think how could they be possible without our love of humanities.

They tell me that at a time of economic crisis we should not talk about this. At times of economic crisis, this is what really we should be talking about, the unity, the identity, the cohesiveness, the pride of American people regardless of what ideology or political party they belong to is in this legacy and in this heritage, and that is why I want my children and my children's children to be brought up in a place where they can be both a citizen of this great country and a citizen of this world.

And so for me—and I am going to finish very fast, sir, if you allow me. I brought two watches in order to finish fast and I still did not make it. So let me just go very fast. I wrote my dissertation on the proletarian writers of the 1930s, so I know that at a time of crisis, in fact through writers' projects, through federal arts

projects, we might not have been able to give too much money to humanities but we certainly respected them and put them at the forefront of the struggle against the economic and political crisis, and that is what we need to do, and that is why I will read from this and end. The work of National Endowment for Humanities is vital because it keeps open the channels of debate, questioning and curiosity, because it keeps alive what we might call the democratic imagination, and now more than ever it is important for Americans to focus on our Nation's poetry and its poetic soul, on the dream that brought this Nation together to be reminded of this country's great cultural heritage. What more suitable representation of the people who came to this land from all parts of the world, bringing with them the customs and cultures of their countries of birth, hoping to create a home that can embody them all.

So, sir, it is in this spirit that I ask you to ratify the budget for the National Endowment for Humanities. Thank you for your patience.

[The statement of Azar Nafisi follows:]

March 26, 2011

Azar Nafisi, Executive Director of Cultural Conversations and Visiting Scholar, the Johns Hopkins Paul H. Nitze School of Advanced International Studies, is the author of "Reading Lolita in Tehran." Her bestselling book has been translated into 32 languages and won diverse literary awards.

I respectfully present this testimony on behalf of the National Endowment for the Humanities, which has submitted to the Subcommittee on Interior, Environment and Related Agencies an overall 2012 budget request for \$146,255,000.00.

I believe I have an almost unique understanding of the value of the humanities – why they are essential to human freedom, and why they deserve the support of the American people. That is because I have lived in a society where education in the humanities was banned, and I know what happens to democracy and freedom when that occurs. After the rigged Iranian presidential elections in 2009, the Islamic regime attacked the humanities as one of the main sources of protests, the most effective tool used by the West, especially America, to corrupt and incite Iranian youth. They threatened to close down all the humanities departments in Iran's universities.

It's no surprise that it was the humanities that came under attack. Great works of art, literature and philosophy that are the foundation of the humanities, pose a threat to tyranny because they encourage open thought, imagination, the questioning of preconceived notions and established authority. No amount of moral preaching or political correctness can replace what the imagination gives us when it places us in other people's experiences, opening our eyes to vistas and views we never knew existed.

I have written about how Nabokov's *Lolita* and other great books came to mean something in Iran, a country defined by its own literary masters: Hafiz, Rumi, Khayam, Ferdowsi. I would like to share with you how, through my experiences, I came to see ways through which imagination and thought connect different cultures and nationalities, how Tehran can be linked to Washington. I would also like to show why I believe that the desire to foster imagination and thought is as essential to the creation and preservation of a democratic society as it is dangerous and threatening to the existence of a totalitarian system.

I have to thank the Islamist regime for making me realize how fragile were the rights and values I had come to take for granted. Suddenly a new regime had established itself, taking hold of my country, my religion, my traditions, and claiming that the way I looked, the way I acted --what I believed in and desired as a human being, as a woman, a writer and teacher --were all alien.

The main targets of the new regime were anything that indicated difference and diversity. Among its first victims was religion itself which was confiscated, reduced and used as an ideology to gain and maintain political power. The regime claimed that the

Sharia laws it was imposing on Iranian society were justified in that they were restoring a woman's dignity and rescuing her from degrading and dangerous Western ideas. The war on women's rights, minorities, human rights and culture became central to the fight against the "Western conspiracy."

By 1979, at the time of the revolution, women were active in all areas of life in Iran. The number of female candidates for universities had risen sevenfold during the first half of the 1970s. Women were scholars, police officers, mayors, judges, pilots and engineers --active in every field except the clergy. Iran had women in houses of Parliament and two women ministers: for higher education and women's affairs. The majority of Iranians had come to the streets desiring more rights, never dreaming they would be told to give up rights they already had. And for a long time during that revolution, Iranian women poured into the streets of Tehran, protesting the implementation of the new laws, one of their main slogans was, "Freedom is neither Western nor Eastern, freedom is global."

Other freedoms were gradually curtailed. We witnessed attacks on freedom of the press; the censorship of books; a ban on dancing, on female singers, on most forms of music, on films and other forms of art, followed by systematic attacks against intellectuals and the academia who protested these forms of oppression. Ayatollah Khomeini, citing the universities as the source of all "disasters of humanity," declared that they were more dangerous than bombs. Alongside of censorship of Iranian authors and films, Ophelia was cut from most scenes in *Hamlet*. Olive Oyl was excised from "Popeye."

The result was that ordinary Iranian citizens --men and women alike --began to feel the state in their private, daily affairs. People were flogged and jailed for wearing nail polish, Reebok shoes, lipstick. The fatwa against Salman Rushdie was precisely aimed against the dangers of imagination. The message was that totalitarian mindsets, no matter in what part of the world, cannot tolerate any form of irony, ambiguity or irreverence. As Carlos Fuentes declared, Ayatollah Ruhollah Khomeini had issued a fatwa not just against one writer but against the democratic form of the novel, which frames a multiplicity of voices, opposing perspectives, active dialogue. What more dangerous subversion can there be than this democracy of voices? Ayatollah Khomeini was right about the universities he viewed as seats of Western culture—they were more dangerous than bombs.

For over thirty years the Iranian people resisted the assaults of the Islamic regime. And the most contentious area where this struggle was articulated was in the domain of thought and imagination. Ironically, many among the ardent revolutionaries have now come full circle, and some who once held the highest offices in the country have joined the peoples' struggle and are now called agents of the West. Today, former revolutionaries are among those who speak of and go to jail in defense of democracy and freedom of expression.

The way we in Iran connected to the rest of the world, especially America, was through their golden ambassadors, their literature, arts and music. In the fall of 1979, I was teaching two great American works, *Huckleberry Finn* and *The Great Gatsby*, at the University of Tehran while ironically, in the yard below, Islamists were shouting "Death

to America!" and that, a few streets away, the U.S. embassy was under siege by a group claiming to be following the path of the Imam. The new regime was leading a bloody crusade seemingly against Western imperialism, but in reality against its own people, against the rights of women and minorities, against cultural and individual freedom.

I have often asked myself: How is it that under the worst political and social conditions, during war and revolution, in jails and in concentration camps, most victims turn toward works of imagination? I remember, almost two decades ago, listening to a former student, who was newly released from jail, telling me that she and one of her cellmates, another former student, kept their spirits up by exchanging stories about their class discussions, about the books they read, about Henry James and F. Scott Fitzgerald. We know that fiction does not save us from torture or the brutality of tyrannical regimes, or from the banalities and cruelties of life itself. But we do know that, when confronted by utter degradation, by confiscation of all that gives life its individual worth and integrity, many instinctively go to the highest achievements of mankind, to works that appeal to our sense of beauty, memory, harmony --those that celebrate what is humane, those that we consider original works of the imagination.

You might say that such works gain added significance in a country deprived of its basic freedoms, but they do not matter much here, not in a free and democratic country. How relevant are Fitzgerald, Baldwin, Hurston, Twain and Emily Dickinson you might ask, to our lives in Washington, D.C.?

I believe that no freedom political, economic or social can be realized without the freedom of imagination and thought. It is this basic and most human form of freedom that both promises and safeguards all those other freedoms. Because of this a democratic government is not only the guardian of people's political, social and economic rights, but also is the representative of the nation's intellectual, spiritual and scientific legacies.

Like millions of others I came to this country because I believed it was founded on a dream, on the courage to imagine and to actualize what was imagined, whether it was the revolutionary war for independence, the struggle for the Constitution, or the war against slavery and later the civil rights movement and women's rights movement. And I wanted my children and their children to live in a country that safeguards such values, where empathy and curiosity — the two basic features of both Humanities and Sciences —will teach them how to live as citizens as well as citizens of the world, how to preserve the best that their country of birth, Iran had given them with the best that their new country had to offer. And because the Islamic regime and the resistance of the Iranian people has taught me that the most potent weapon against tyranny is not military might but a culture of democracy.

Everywhere I turn in this city is a testament to this claim. The three monuments to the three presidents of the United States, Washington, Jefferson and Lincoln are reminders of how the leaders of this country identified being American with Humanism, thereby creating a legacy that could challenge and go beyond their own flaws and prejudices and those of their times. Washington believed that to be enlightened was to be "a citizen of the

great republic of humanity at large.” As a symbol of the new American nation he wanted to build a National University in the Capital. The ideals Jefferson cherished in the Declaration of Independence are embodied in the Library of Congress, for he believed not only that Universities are our sanctuaries, but boasted that “ours are the only farmers who read Homer.” And Lincoln combined his dream of justice with a poetic language that resonates with the language of Shakespeare and the Bible. It was on the steps of the Lincoln memorial that the reverend Martin Luther King, Jr. revived that dream and that language, giving his life so that the dream can be turned into reality.

NEH represents these ideals, reminding us that imagination and thought like human rights and freedom transcend the boundaries of nationality, ethnicity, religion, race and gender, creating a common space where we celebrate and respect not just our differences but our shared and common humanity. What more suitable representation of a people who came to this land from all parts of the world, bringing with them the customs and cultures of their countries of birth, hoping to create a home that can embody them all?

This is the reason that I am proud to represent and be represented by the National Endowment for Humanities. In supporting and being a part of it, I participate in the living legacy of this country’s best and most enduring achievements, those that give America, a sense of unity and meaning, as well as pride. I sincerely believe in the work of NEH especially at this time of crisis and doubt, in its attempts to create a sense of community and pride through programs such as One Book, One City, or History Day, reaching out to different strata of the American people, creating for them a sense of community, enabling them to connect to their historical past, articulate their present and foresee the potentials for their future.

NEH has not only brought this sense of community and genuine pride to the American people in this time of crisis and change in this country and the world, but has been an effective vehicle in acquainting the Americans with the best that cultures around the world have to offer. I know all this through firsthand experience as a board member of Maryland Humanities Council, as a speaker and participant in the National Federation of State Humanities Councils’ annual conference, and most recently as a participant in NEH’s project through the libraries to present history, traditions and cultures of Muslim majority countries.

The humanities are essential to us in a very pragmatic sense, because they remind us of our shared human struggle, and allow us to deeply appreciate the voices and the hearts of others who are different from us, who exist in times and places we can only imagine. Democracy depends on that imagination. The work of the National Endowment for the Humanities is vital because it keeps open the channels of debate, questioning, and curiosity – the humanities keep alive what we might call the democratic imagination. Now more than ever, it is important for Americans to focus on our nation’s poetry and soul, to be reminded of this country’s great cultural heritage. I urge you to accept the 2012 budget request for the National Endowment for the Humanities, to enable this agency’s vital work to continue. Thank you.

Mr. SIMPSON. Thank you. Thank you for your testimony and for your eloquence.

Ms. NAFISI. It is a pleasure. This will be my home, and this is why I am here. If it were not for Mark Twain, I do not know where I would be.

Mr. SIMPSON. Thank you very much. We appreciate it. Jim?

Mr. MORAN. Yes, extraordinarily compelling statement. Thank you so much, and I think anybody listening to you understands why they really ought to read "Reading Lolita in Teheran." It is so insightful.

Ms. NAFISI. Thank you, sir, and I tell you, your best weapon against tyranny is not military but it is the culture of democracy, and people in Iran are going to jail and being tortured because they read Saul Bellow and Walt Whitman, so I think our children here should take a lesson from that.

Mr. MORAN. I wish they would. Thank you so much.

Mr. SIMPSON. You cannot leave the room, though, until, I had a staff member that wants you to sign her book.

Next we have Mark Hofflund, who is a friend of mine. I would hate to follow her.

Mr. HOFFLUND. I tell you, Mr. Chairman, I am the son of a woman with dual citizenship. I lost her. She passed away about a year ago. And I think I heard her voice today for the first time in your testimony, so I am incredibly moved.

Ms. NAFISI. Thank you.

Mr. SIMPSON. Well, thank you for being here, Mark. As you heard me say before when we were talking about the Civil War, that when people from Idaho come out to Washington they ask me where to go and I always say Gettysburg, they need to go up there and see it. Well, if any of you come to Idaho from Washington, you need to go to the Idaho Shakespeare Festival. Mark is the Managing Director of it, and we have been friends for many years and he does a fantastic job and really, summer in Boise would not be the same without the Shakespeare Festival and the work you do. He has also been on the National Endowment for the Arts Council, and we appreciate that, and thanks for being here today, Mark.

THURSDAY, APRIL 14, 2011.

ARTS AND HUMANITIES

WITNESS

MARK HOFFLUND, MANAGING DIRECTOR, IDAHO SHAKESPEARE FESTIVAL

Mr. HOFFLUND. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Moran, members of the subcommittee, good morning. As Managing Director of Idaho Shakespeare Festival, Chair of the Idaho Commission on the Arts, and a board member of the National Assembly of State Arts Agencies, I wish to testify on behalf of the National Endowment for the Arts requesting \$167.5 million in level funding, and to share a story you made possible.

While this is an Idaho story, similar stories are found in every state. My opportunity emerged when the chairman of the NEA paid

a visit to Idaho strengthening the Nation's first ongoing infrastructure for the arts, not the arts historically had been missing from our Nation. Things of beauty, culture, science, art and imagination were so ingrained in the Founders, some would say the pursuit of happiness articulated this common appreciation right after life and liberty. As for legislative infrastructure dating to the Founders, imagine for a moment what it may have been like to sign a Declaration of Independence, declare war, wage war, elect a decade of forgotten presidents under Articles of Confederation before ratifying a Constitution and electing a reluctant George Washington, not an easy first decade and one with great challenges ahead.

So under the circumstances, it could seem remarkable for the founders to leave a few thoughts on the arts. Perhaps a vision for the future was provided by George Washington in words now reaching down centuries: "The arts and sciences are essential to the prosperity of the state and to the ornament and happiness of human life. They have a primary claim to the encouragement of every lover of his country and mankind." In retrospect, the history of the United States is replete with public investments in art and architecture.

In our day, another great general having led us through World War II signed legislation creating the National Cultural Center Act commemorated in the naming of the Kennedy Center's Eisenhower Theater. In the 1960s with the Nation enduring civil unrest not seen in a century, President Johnson created and President Nixon funded the National Endowment for the Arts. With cities smoldering, leaders being assassinated, college students rioting, some getting killed by the public servants meant to protect them, a Cold War heating up, despite all this, Roger Stevens founded and the second chairman Nancy Hanks grew the NEA in both reputation and funding, ever mindful that in dollar comparisons to our national needs for defense, for poverty programs, for health, for welfare or for education, the requirements for the arts are miniscule, as Ms. Hanks wrote.

During civil famine, the seeds of a federal-state arts infrastructure sprouted like spring wheat when 55 state and territorial arts agencies began receiving grants from the NEA, and when governors and legislatures took this as incentive to multiply the funding and steer not only new cultural opportunities but greater decision-making to the regional and local levels. President Carter, Chairman Biddle and Congress strengthened the federal-state partnership, developing federal recognition of American artists through the National Heritage Awards. President Reagan, Chairman Hodsoll and Congress established the NEA Jazz Masters, the National Medal of Arts, the Mayor's Institute on City Design and a groundbreaking study on arts education called *Toward Civilization*. As Reagan said, we honor the arts not because we want monuments to our own civilization but because we are a free people.

With this history, three succeeding Presidents, their NEA leaders and Congress navigated the most perilous times at the NEA and emerged in all three cases with an arts budget on the rise and an increasing federalism. Not only would Jane Alexander visit all 50 states under President Clinton but Dana Gioia would spend as much time traveling domestically and abroad as he spent in Wash-

ington, D.C., strategically improving the NEA under George W. Bush with reciprocal support from Congress. As Bush and Gioia left office, not only was Congress funding the NEA at greater levels and with stronger Congressional support but its opponents had changed their minds about the agency as Gioia worked throughout federal and state government to catalyze the development of artistic excellence and accessibility for millions of younger Americans, thousands of educators, scores of journalists, members of the military and their families, towns and cities across America which libraries, newspapers, schools, civic organizations, businesses and a broad section of citizen volunteers collaborated in programs ranging from the Big Read to Poetry Out Loud to Operational Homecoming to Shakespeare in American Communities, ultimately reversing a three-decade decline in American literary participation. With equality and excellence, Gioia formed partnerships in every Congressional district.

The NEA is about public engagement, public education, public excellence. It neither enforces public values nor entitles public goods. It is a rare public infrastructure for which cost may be an object but not a specific requirement. The more we provide, the better we all become. In the hands of good public servants from all walks of life, it functions like the biblical talents that when not buried can be used to return manifold wealth, prosperity and national growth. Transcending factionalism, it is not about Democrats, Republicans, Libertarians or any other vein past or yet to come of the American spectrum, it is about how all of us of all faiths, backgrounds and politics best practice a culturally diverse and politically united federalism.

Finally, it returns us to the roots of our Founders as an essential emblem of creating a system of self-government. We are amid such defining times today. The marks of our success will be seen in how we separate federal chaff from federal wheat and thereby fill the storehouse for future generations not with federal deficit but with federal bounty. I would humbly submit that the NEA is an agency of federal bounty and that with continued funding, thank you, Mr. Chairman, Ranking Member for your actions of the past week, people not only from Idaho, indeed, from all over America will help you fill the storehouse. Thank you, sir.

[The statement of Mark Hofflund follows:]

April 8, 2011

To: Interior and Environment Appropriations
 From: Mark Hofflund, Managing Director, Idaho Shakespeare Festival; Chair, Idaho Commission on the Arts; Board Member, National Assembly of State Arts Agencies
 Re: Testimony for Thursday, April 14, 2011, 10:30AM

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee: Good morning. I wish to testify about the National Endowment for the Arts; and to share a story made possible by each of you – and your colleagues who have preceded you on this panel for nearly 50 years.

This is an Idaho story, coming from a place whose geography and culture begin in the Great Basin and run north along the western slopes of the Rockies; a place little known and perhaps best described in the words of Shakespeare, as undiscovered country.

Our 43rd state, formed as a territory by Abraham Lincoln in 1863 and brought into the Union in 1890, has provided me many privileges, including not only moments with the Chairman of this panel, but two decades of public service. ...volunteer public service, at city, state and federal levels, as an arts professional.

Without doubt mine is like many stories found in your districts; unique to me only in its particulars. Like many, I had never met a public official nor aspired to public service, before moving to the Second District of Idaho in 1993. I grew up among a generation for whom public service no longer was required. The draft was over and military registration discontinued. I came to Idaho with little appreciation even for the public education received as a child growing up in one of America's largest and finest cities – learning the pledge of allegiance (at Hans Christian Andersen and Marie Curie Elementary Schools), singing the national anthem, God Bless America and America the Beautiful, and memorizing the names of the 50 state capitals, with little knowledge or insight into the particulars of their geographies and cultures.

Happily, I was descended from immigrants who had participated in public service: my mother holding dual citizenship and federal employment in the 1950s; and my father, who – as the grandson of an immigrant (and Civil War veteran) and the son of a WWI pilot (and civil servant with the Bureau of Mines during WWII) – became, himself, a naval officer during the Korean War and served in the Reserves while I was growing up. And, happily for me, my opportunity for federal service ultimately would come, too, when the Chairman of the National Endowment for the Arts paid a visit to Idaho. Admittedly not a common occurrence; but neither did it require extraordinary means, as it would have for earlier generations of Americans. Federal transportation and infrastructure had been reaching into Idaho since the 19th Century – as The Oregon Trail was followed by the postal service and the railroads, and then the utilities, water

projects, highways, and air traffic – bringing with them local and federal commerce. Over less than 200 years, integrated systems of public infrastructure brought promise and prosperity to Idaho while simultaneously creating one of the most robust nations known to history. Less than a decade earlier in the 1990s, federal systems had delivered an NEA Chairman to Idaho, one who had agreed to leave a flourishing artistic career to help a struggling federal agency evolve once again into a trusted and valued deliverer of public good. Why did Jane Alexander come to Idaho? Heading the NEA from 1993 – 1997, she chose to engage the American public in ways her predecessors had yet to attempt. This included visiting all 50 states, and working broadly with those in the Administration and in Congress to preserve and renew the nation's *first ongoing infrastructure for the arts*.

Not that the arts were ever foreign to the nation's citizenry, nor to the nation's founders, the nation's capital, and the nation's statehouses. One might argue that things of beauty, things of culture, things of science, art, and imagination were so ingrained in the thinking of federal and state founders that a mere reference to "the pursuit of happiness" served unanimously to cover such a common appreciation, right after reference to "life" and "liberty" – and perhaps in ascending order. Then again, imagine, for a moment, what it might have been like to sign such a declaration of independence, wage a war to make it real, and spend 12 arduous years before ratifying a constitution and electing a president. It may have been remarkable for the Founders to have left a few *thoughts* on the arts as they poured resources into forming a federalist *government*, housed as soon as possible in *architecture* worthy of republican cultural ambitions in a city reflective of their democratic values. A city located not among one of the more powerful of its constituent states; not in the state of New York, or Massachusetts, or the Carolinas. Or any others. But rather in its own rural district, largely characterized by swamplands many would just as soon not even visit. Perhaps, for the Founders, the creation of public institutions like the Library of Congress – so infinitely more than a repository of books for lawmakers – perhaps this and other cultural accomplishments were sufficient unto the day. As for George Washington, his *words* would ring true across centuries, as inspiration for a federal arts infrastructure one day that would reach beyond the city bearing his name: "The arts and sciences are essential to the prosperity of the state and to the ornament and happiness of human life. They have a primary claim to the encouragement of every lover of his country and mankind." In the estimation of our founding president, who did everything to encourage the citizenry's love of their nation, the arts had a primary place in that encouragement – a place not only in forming the country, but also in engaging the love of humanity beyond its borders. For just such reasons, the history of the United States is replete with public investments in art and architecture – to a point when another great General, who had led us through WWII, signed legislation as President creating the National Cultural Center Act – his cultural leadership commemorated in the naming of the Kennedy Center's Eisenhower Theater.

Closing in on the 1960s, and a nation verging on civil unrest not seen in 100 years, President Johnson created and President Nixon built the National Endowment for the Arts and the National Endowment for the Humanities. With cities smoldering, leaders being assassinated, college students rioting (some getting killed by the public servants meant to protect them), the Cold War seeming like a scary misnomer – despite all this, Broadway producer Roger Stevens *founded* and its second chairman Nancy Hanks *grew* the NEA in both reputation and funding – from \$9 million when Hanks started in 1970 to \$99.9 million when she left in 1977 – and turned a tiny federal program into a policy leader in the arts, ever mindful that “in dollar comparisons to our national needs for defense, for poverty programs, for health, for welfare, or for education, the requirements for the arts are miniscule,” as she wrote in 1968.

The seeds of a future federal/state arts infrastructure were further sown in 1971, when 55 state and territorial arts agencies began to receive annual Basic State Grants from the NEA; and when state legislatures would use this incentive to more than double the funding and steer not only new cultural opportunities, but greater decision-making, to regional and local levels. President Carter, Chairman Biddle and Congress then expanded the idea of federal funding in every state with 12 regional “reps” serving the country; and expanded the notion of a federal relationship to Americans practicing the arts, by developing a national program called the National Heritage Awards, partnering with the National Council for the Traditional Arts founded in 1933. President Reagan, Chairman Hodsoll and Congress then established the NEA Jazz Masters, the National Medal of Arts, the Mayor’s Institute on City Design, the National Task Force on Presenting and Touring the Performing Arts, and a groundbreaking study on arts education called *Toward Civilization*. As Reagan said at a National Medals ceremony, “We honor the arts not because we want monuments to our own civilization but because we are a free people. The arts are among our nation’s finest creations and the reflection of freedom’s light.”

It was with this history that three succeeding Presidents, their NEA leaders, and key Members of Congress navigated the most perilous of times for the NEA, and emerged in all three cases with rising arts budgets and increased federalism. Not only would Jane Alexander visit all 50 states; but not long thereafter, Chairman Dana Gioia would spend as much time traveling domestically and abroad as he spent in his office at the historic Nancy Hanks/Old Post Office Building (so named by President Reagan), each year modestly stabilizing and increasing the NEA budget during the administration of George W. Bush and with growing support from Congress. As Bush and Gioia left office, not only was Congress funding the NEA at greater levels and with stronger Congressional support, but many of its opponents had begun to change their minds about the agency; and even those who still presented political opposition were no longer tendering legislation aimed at its demise. The NEA increasingly had proven its value across party lines, fulfilling the original hopes not only of its founding Presidents, Kennedy and Johnson, but also of President Nixon who saw the agency as an antidote to the harsh divisions

that were rending Americans apart. With no political benefit of his own to gain, Nixon had put the agency on its feet and supported the Arts as eminently good both for citizens throughout the country as well as for the federal body politic. Much the same could be said now thirty years later, as Gioia worked not only with the President and First Lady, and not only with Congress, but throughout federal and state government to catalyze the development of artistic excellence and accessibility for millions of younger Americans, thousands of educators, scores of journalists, members of the military and their families, towns and cities across America in which libraries, newspapers, public officials, schools, civic organizations, businesses and a broad section of citizen-volunteers collaborated (through a program called The Big Read) to reverse a three-decade decline in American literary participation. With no agenda at all, except one of essential equality and fairness, Gioia even sought out partnerships with cultural organizations in Congressional districts that had never received direct NEA support, considering it a failure of public infrastructure not to find worthy partners in all 435 districts and a failure of imagination to suppose there to be any group of 700,000 Americans not able to engage in artistic and cultural activities worthy of inspiring greater community appreciation, creativity and excellence.

Ultimately, the NEA is about public engagement along the broadest and most meaningful lines possible. It is about how we as a people recognize, honor and thereby build our cultural heritage. It does not *enforce* public values nor *entitle* public goods. It is a rare public infrastructure for which “cost” may be an object, but is not a specific requirement. The more we can provide, the better we all become. In the hands of good public servants from all walks of life, it functions like the Biblical talents that, when not buried, can be used to return manifold wealth, prosperity and economic growth. Not only do we *imagine* it can transcend politics, we have seen it *do* so. Having nearly lost it, during the culture wars, President George W. Bush and First Lady Laura Bush made sure we used bipartisanship to bring it back. It is no longer about Democrats, Republicans, Independents, Tea Partiers, Libertarians, or any other vein past-or-yet-to-come in the political spectrum; it is about how all of us, of all faiths, backgrounds and politics, best practice federalism. It returns us to the roots of our founders, who during extended and unique moments late in the 1700s and into the 1800s, and then again through civil and world wars, created a system of government that relied on collective, cooperative, collaborative self-government. We are amid such defining times today. The marks of our success will be seen in how we separate federal chaff from federal wheat, and thereby fill the storehouse for future generations not with federal deficit but with federal bounty. I would humbly submit that the NEA is an agency of federal bounty; and that with continued level funding (specifically \$167.5 million), people not only from Idaho but from all over America will help you fill this storehouse.

MH

Mr. SIMPSON. Thank you, Mark, for being here today. We appreciate it very much. Thanks for your testimony in support of the NEA and your history of where we have come from and what we have been through with the NEA, so I appreciate it very much. As you know, I am a fan.

Mr. HOFFLUND. We would not be here without you, Mr. Chairman.

Mr. SIMPSON. And Mr. Moran is the same way. Jim.

Mr. MORAN. I cannot add to what Mike has said. Not only does he provide words of encouragement, he also walks the walk in terms of getting the money. I know that is why you are here, but these are very extraordinarily articulate and meaningful statements. We thank you.

Mr. HOFFLUND. Thank you, sir. I will tell you that I come here at my own expense, and I am staying with a former Congressman from my district, a great admirer of you, and he asked me to please give you his highest regards, Representative Orville Hanson. He is letting me stay with him while I am in Washington, D.C.

Mr. SIMPSON. Well, thanks for being here, and we will see you at the Shakespeare Festival.

Next we have Elena Daly, Vice President of DC Affairs, Public Lands Foundation.

THURSDAY, APRIL 14, 2011.

BLM, PUBLIC LANDS, WILD HORSES

WITNESS

ELENA DALY, VICE PRESIDENT FOR DC AFFAIRS, PUBLIC LANDS FOUNDATION

Ms. DALY. Good morning. Thank you, Mr. Chairman. We at PLF would like to thank you for the opportunity to present your committee with our views regarding the Bureau of Land Management's budget request for fiscal year 2012.

As a national nonprofit organization comprised principally of retired but still dedicated BLM employees, the PLF has a unique body of experience and expertise in the realm of natural resource management, and as retirees, we believe we offer an objective and non-bureaucratic solution to some issues, although I am feeling very bureaucratic after listening to the last very articulate panel.

We support BLM and its programs but we are independent in our views and our requests, and we strive to improve the effectiveness of BLM by encouraging professionalism in its employees and increasing both public understanding and proper scientific management of public lands.

Some of the most significant management challenges for the BLM stem from, as you know, particularly with Boise, rapid growth and population development in the West, the urbanization issue, and we find that with this urbanization comes increased demands on the public lands, not only for recreation but for traditional uses and products as well, and this really complicates an agency with a mission as diverse as the Bureau of Land Management. The public lands provide the Nation with opportunities for expanding the development of renewable energy as well as tradi-

tional needs for oil, natural gas, coal, non-energy minerals, grazing land and timber. Recreation, wildlife, wild horses, cultural resources and special places are also significant attributes of those lands. Management activities for BLM contribute to the vitality of state and local economies, generating an expected \$4.5 billion in revenues for 2012, mostly from energy development.

We also recognize that the Nation is facing some real challenges as you all look at budgets and need, and in that light, we are pleased at several of the aspects of the overall budget request. In particular, we are pleased to see increases for the National Landscape Conservation System and the processes associated with the restoration of abandoned mine lands. The NLCS is a compilation of unique and incredible landscapes designated for outstanding cultural, ecological and scientific values and range from red rock deserts, rocky coasts, deep river canyons and high mountains and arctic tundra. Management of this particular group of lands has long been underfunded.

We believe the AML fee combined with the proposed budget increase will provide a process to begin reclaiming both the safety and environmental hazards that remain after 150 years of hardrock mining on millions of acres in the West.

We are also pleased to see increases for land acquisition, renewable energy, the Secretary's Cooperative Landscape Conservation Initiative and Youth in the Great Outdoors, and we support the budget proposals to recoup the costs of inspection and enforcement activities for mineral leases from new fees.

We are also pleased to see the Secretary's proposal to eliminate the sunset date for the Federal Land Transition Facilitation Act and to allow lands identified in newer BLM land-use plans as suitable for disposal.

However, we do have a couple of concerns. One is in land-use planning. Land-use planning for BLM is foundational to decision-making. A reduction in monies to provide up-to-date plans hampers on-the-ground management because you do not have the latest information at the very time when the West is developing so rapidly. The reduction of \$8.2 million in this program will have lasting impact on those lands administered by the bureau. Land-use planning is the primary tool we have for effecting long-term decision-making and giving up that opportunity gives us some concern.

Alaska Conveyance—the reduction of \$17 million from this program will be devastating to the BLM and Alaska and to the U.S. government's commitment to that state, to the native corporations and to individual allottees who have been waiting now over 40 years to have these land issues resolved. This would result in a 20 percent reduction in land transfer capability and a reduction in force and the loss of many of the 638 survey contracts that go to native peoples in Alaska.

And everybody's favorite, wild horses and burros. We are pleased that the Administration has requested sufficient funds to support the efforts for this program but are concerned about the unsolvable issues that continue to haunt the efforts at management. We would like to see Congress step in at some point to address this through legislation so that the problems can be surmounted. We would like to see the differing opinions, whether it is the wild horse advocates,

the government, ranchers, whomever those people may be, come together and really talk about what is manageable in this program and what makes sense. The funding for long-term maintenance is just not sustainable.

So we hope these comments and concerns assist you. We appreciate the time and your attention. Thank you very much.

[The statement of Elena Daly follows:]

TESTIMONY OF ELENA DALY, VICE-PRESIDENT FOR DC AFFAIRS,
PUBLIC LANDS FOUNDATION
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES; COMMITTEE ON APPROPRIATIONS;
ATTENTION: OUTSIDE WITNESS TESTIMONY
FISCAL YEAR 2012 BUDGET- BUREAU OF LAND MANAGEMENT

April 14, 2011

Mr. CHAIRMAN:

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2012. As a national, non-profit organization comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by encouraging 1) professionalism of its employees, 2) increasing public understanding, and 3) proper scientific management of lands administered by the BLM.

Overview

Some of the most significant management challenges for the BLM stem from rapid population and urban growth in the West and accompanying increased demands for access and use of the NSPL. The BLM's customers are as diverse as the natural resources the Bureau manages.

The public lands provide the Nation with opportunities for expanding the development of renewable energy as well as traditional needs for oil, natural gas, coal, non-energy minerals, grazing land and timber. Recreation, wildlife, wild horses, cultural resources and special places are significant attributes of those lands as well.

Management activities contribute to the vitality of State and local economies, generating an expected \$4.5 billion in revenues for 2012, mostly from energy development.

Budget Overview

The PLF recognizes the reality of funding constraints and the need to reduce the Nation's budget deficit. In that light, PLF is pleased with several aspects of the overall budget request for the BLM. In particular we are pleased to see increases in two important areas, the National Landscape Conservation System (NLCS) and the processes associated with the restoration of abandoned mine lands (AML).

The NLCS is unique and comprised of incredible landscapes, designated for their outstanding cultural, ecological and scientific values. These areas range from red-rock deserts, rocky coasts and deep river canyons to high mountains and arctic tundra. Management of the NLCS has long been underfunded.

We believe the AML fee combined with the proposed budget increase will provide a process to begin reclaiming both the safety and environmental hazards that remain after over 150 years of hard-rock mining on millions of acres in the West.

We are also pleased to see increases for land acquisition, renewable energy, the Secretary's Cooperative Landscape Conservation initiative, and Youth in the Great Outdoors. We support the budget proposals to recoup the costs of inspection and enforcement activities for mineral leases from new fees. We are also pleased to see the Secretary's proposal to eliminate the sunset date for the Federal Land Transaction Facilitation Act (FLTFA) and to allow lands identified in newer BLM land use plans as suitable for disposal to be sold using FLTFA authority.

However, we have a number of concerns with other parts of this budget proposal.

Land Use Planning

Planning is the foundation upon which all BLM management decisions are built. Without up to date plans, the basis for making decisions is inadequate, a major factor contributing to increasing litigation of BLM decisions.

The reduction of \$8.2 million for land use planning will have lasting impact on future decisions on public lands administered by the BLM. Designed to last for 15 to 20 years, new or revised land use plans will be few and far between. The primary tool the BLM has to affect long term change on public lands is land use planning, thus the Administration is giving up a significant opportunity to improve management direction and future decisions for units of the NLCS and other areas of the NSPL.

Alaska Conveyance

The reduction of \$17 million from the Alaska Conveyance Program will be devastating to the BLM in Alaska and the U.S. Government's commitment to the State of Alaska, the Native Corporations and individual native allottees to transfer lands that have been promised to them for over 40 years. This would be roughly a 20 percent reduction in land transfer capability and will result in reductions in force and the loss of many 638 Survey Contracts for many small villages in Alaska.

Wild Horses and Burros

While we are pleased that the Administration has requested sufficient funds to support efforts for this controversial program, we remain dismayed at the seemingly unsolvable issues that continue to haunt efforts to maintain healthy horses on healthy ranges. Congress must step in at some point to write more effective legislation and provide specific guidance, particularly to resolve the issue of spending many millions of dollars maintaining unadoptable wild horses. It can't continue in this manner much longer!

Mr. Chairman, we hope these comments and concerns assist you in budget deliberations for the FY 2012 budget for the BLM. We remain sincere in our efforts to assure proper management of the National System of Public Lands.

Mr. SIMPSON. Thank you, Elena. We appreciate that. And you are right, there are several problems we have got to address, and we appreciate you being here and pointing those out. Thank you. Jim.

Mr. MORAN. Yes, just to thank Ms. Daly as well. She did not mention it, but she headed the National Landscape Conservation System. But we want to thank you for your leadership in that area.

Mr. SIMPSON. Next, we have Brady Robinson, the Executive Director of Access Fund, Outdoor Alliance.

THURSDAY, APRIL 14, 2011.

OUTDOOR ALLIANCE

WITNESS

**BRADY ROBINSON, EXECUTIVE DIRECTOR OF THE ACCESS FUND,
OUTDOOR ALLIANCE**

Mr. ROBINSON. Hi.

Mr. SIMPSON. How are you doing today?

Mr. ROBINSON. I am good. Thank you. Mr. Chairman, honorable members of the committee, and Mr. Moran, thank you for this opportunity to talk to you today.

Mr. SIMPSON. You bet.

Mr. ROBINSON. My name is Brady Robinson, and I am the executive director of the Access Fund. We are the national nonprofit organization dedicated to climbing and mountaineering access and conservations on the climber. We are also a founding member of the Outdoor Alliance, which is a coalition of six national member-based organizations devoted to the conservation and stewardship of our Nation's public lands and waters through responsible human-powered outdoor recreation.

The Outdoor Alliance represents the interests of millions of Americans who hike, paddle, climb, mountain bike, ski, and snowshoe on our Nation's public lands and waters. Our collective direct membership is over 100,000 and we have a network of 1,400 clubs covering every state in the country.

I have personally dedicated my career to getting people in the outdoors. Before coming in the Access Fund, I spent over a decade working for Outward Bound. And through my interactions with thousands of Outward Bound students, I have personally witnessed the transformation and rejuvenation that occurs when people—particularly young people—have the opportunity to unplug and connect with the outdoors.

The Outdoor Alliance has extensive experience working with federal land managers across the country concerning recreation and conservation policies. Our experience shows that adequate funding for the Park Service, the Forest Service, and the BLM is required to support public access to these public lands and rivers. And while federal land managers are currently integrating recreation, conservation, and restoration programs to more effectively manage our public lands for the benefit of all Americans, it is clear that budget cuts to these agencies would mean less access to and less conservation out of our public land. Underfunded and understaffed land managers, when forced to make resource protection and visitor use

decisions are more likely to close or highly restrict public access. And this problem concerns not only Outdoor Alliance members but also hunters and anglers and other user groups.

My organization, the Access Group, is seen as dynamic at numerous locations across the country such as Williamson Rock and Angeles National Forest, Christmas Tree Pass at the Lake Mead National Recreation area and Castle Rocks in Idaho at the BLM Burley Field office. The Outdoor Alliance believes that with the guidance and momentum of the America's Great Outdoors Initiative, the agencies are poised, if adequately funded, to enhance the public enjoyment of high quality public lands and waters like never before.

Nationwide active outdoor recreation contributes \$730 billion annually to the U.S. economy and supports nearly 6.5 million jobs. Mr. Chairman, according to the Outdoor Industry Association, active outdoor recreation supports 37,000 jobs in Idaho, generates \$154 million in annual state tax revenue, and produces \$2.2 billion annually in retail sales and services across Idaho. That is more than five percent of the gross state product.

We endorse a budget that will support this segment of our economy and adequately fund the Department of Interior and Department of Agriculture, activities that provide adequate outdoor recreation access to public lands and waters. And we offer specific budget recommendations for fiscal year 2012, which can be found in my written testimony.

As an example of what can happen to public access when agencies have inadequate funding, look to the Red River Gorge in the Daniel Boone National Forest. Located in southwestern Kentucky, the Red River Gorge contains one of the largest concentrations of high-quality climbable rock in the United States and attracts visitors from around the world. However, the Forest Service does not have the resources to balance all its obligations and still provide for the proper management of these world-class climbing opportunities. Inadequate funding for environmental assessments has prevented the Forest Service from stewarding existing recreational sites and opening new sites. The Forest Service is unable to assess areas that are temporarily closed due to cultural and natural use conflicts, which results in de facto long-term closures.

Climbers, mountain bikers, and other user groups bring much-needed economic activity to this rural area. Without sufficient funding, the U.S. Forest Service cannot afford to conduct the studies or administer the processes which allow for public access. As a result, would-be users, the local economy, and the natural resources themselves suffer. And unfortunately, this is all too common. The American people need open public lands for recreation in both rural and urban areas for our economy, for our physical, mental, and spiritual health, and to instill an appreciation of our beautiful lands and waters in our children.

We at the Access Fund have developed positive working relationships with the agencies but we are not their apologists. We are not interested in big government bureaucracies, excessive regulation, or unneeded services. However, these agencies need basic levels of funding to fulfill their important missions.

I can only imagine the incredible pressures that all of you are under to get government spending under control and I appreciate the need for austerity and for discipline. Our recommendations represent the minimum funding level we believe is necessary to keep our Nation's great outdoors open and stewarded for the benefit of the American people

Thank you, Mr. Chairman and committee members, for the opportunity to appear before you today. And I stand ready to answer any questions you might have.

[The statement of Brady Robinson follows:]

TESTIMONY OF BRADY ROBINSON, ACCESS FUND AND OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
PUBLIC WITNESS HEARING, APRIL 14, 2011

Executive Summary of Outdoor Alliance's FY2012 Budget Recommendations:

Agency	Program and Funding Recommendations
Dept. of Agriculture Forest Service	<ul style="list-style-type: none"> • Land Management Planning/Assessment/Monitoring: \$205 million • Recreation Management, Heritage and Wilderness: \$290 million • Capital Improvements & Maintenance/Trails: \$349 million • Integrated Resource Restoration: \$854 million
Dept. of the Interior National Park Service	<ul style="list-style-type: none"> • Park Operations: \$2.3 billion • National Recreation and Preservation: \$51.5 million • Rivers, Trails and Conservation Assistance program: \$10 million
Dept. of the Interior Bureau of Land Management	<ul style="list-style-type: none"> • Recreation Management: \$77 million • National Landscape Conservation System: \$39.3 million
DOI and USDA Jointly	<ul style="list-style-type: none"> • Federal LWCF: \$900 million (including) Stateside: \$200 million Forest Legacy Program: \$59 million • Wild and Scenic Rivers: BLM: \$9.3 million; USFS: \$19 million; NPS \$1 million

Mr. Chairman and Honorable Members of the Subcommittee:

My name is Brady Robinson and I serve as the Executive Director of the Access Fund, a national non-profit organization dedicated to climbing and mountaineering access and conservation. The Access Fund is a founding member of the Outdoor Alliance (OA), a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. OA includes: Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, and represents the interests of millions Americans who hike, paddle, climb, mountain bike, ski and snow shoe on our nation's public lands and waters. Our collective direct membership is over 100,000, and we have a network of almost 1,400 local clubs covering every state in the country.

The Outdoor Alliance has extensive experience working with federal land managers across the country concerning recreation and conservation policies. Our experience shows that adequate funding for the National Park Service, US Forest Service, and Bureau of Land Management is required to support public access and enjoyment of the cherished public lands and rivers they manage. While federal land managers are integrating recreation, conservation, and restoration programs to more efficiently and effectively manage our public lands for the benefit of all Americans, it is also clear that budget cuts to these agencies would mean less access to and conservation of our public land. Under-funded and under-staffed land managers, when forced to

Testimony of Brady Robinson, Outdoor Alliance
Page 2 of 4

make resource protection and visitor use decisions, are much more likely to close or highly restrict public access. This problem concerns Outdoor Alliance activities but also hunters and anglers. My organization, the Access Fund, has seen this dynamic at numerous locations across the country such as Williamson Rock in the Angeles National Forest, Christmas Tree Pass at the Lake Mead National Recreation Area, and at Castle Rocks in Idaho's BLM Burley Field Office. The Outdoor Alliance believes that with the guidance and momentum of the America's Great Outdoors initiative the agencies are poised—if given adequate resources—to enhance public enjoyment of high quality public lands and waters like never before.

The Outdoor Alliance supports a common sense budget approach that will adequately fund Department of the Interior and Department of Agriculture activities that are essential to providing public recreation access to high quality public lands and waters. These activities support the \$730 billion annual outdoor recreation economy and are critical in reconnecting our youth and our increasingly diverse citizenry with nature. To achieve these goals, we offer the following budget recommendations for Fiscal Year 2012.

Department of Agriculture - Forest Service

Recreation on national forest lands greatly supports local economies and employment. The 2010 National Visitor Use Monitoring Report found that spending by recreation visitors in areas near national forests totals almost \$13 billion annually. Protecting these economic benefits requires an adequately funded planning process, an effective infrastructure of trails and roads, and protected natural landscapes and rivers. Forest Service land management plans (with appropriate inventory and monitoring efforts) are critical to respond to existing and developing management challenges, and to inform intelligent and strategic forest management that allows for responsible recreational access. Forest plans must be maintained and revised repeatedly to maintain relevancy, and updated inventory and monitoring data is critical for present-day planning and management challenges. In the last eight years funding for Forest Service planning has dropped by over one-third, and we've seen associated unmet issues and obligations that have led directly to restrictions of various OA activities. To maintain a basic planning program that is able to respond to today's management challenges, OA requests at least the Administration's requested budget of \$205 million for **Land Management Planning, Assessment & Monitoring**.

The **Recreation, Heritage and Wilderness** program oversees all recreation on National Forest lands, and yet this program is also chronically under-funded and understaffed. OA supports at least the President's allocation of \$290 million that will permit the Forest Service to prioritize resources and facilities, maintain current on-the-ground staff, and continue basic recreation resource analyses and planning. Additionally, this funding level will assist in leveraging partnerships with the human-powered recreation community, who devote many thousands of volunteer hours to conservation and stewardship projects on our national forests.

The National Forest System serves over 50 million visitors annually who participate in activities such as cross-country skiing, hiking, climbing, boating, and mountain biking across. Over 153,000 miles of trails support these activities, but the Forest Service struggles with maintenance backlogs in the billions of dollars. OA believes that \$349.9 million in FY12 for **Capital Improvements and Maintenance** is the basic support needed to avoid adding to the

massive deferred maintenance backlog, improve non-motorized trail infrastructure, mitigate resource impacts, and provide high-quality recreational experiences on Forest Service lands.

Our national forests are interspersed with old roads that receive little or no use yet cause serious environmental impacts and pose long-term financial threats. Removing old and unused roads and investing in the roads used by hikers, climbers, anglers, hunters, bicyclists, and boaters is good for recreation, good for the environment, creates jobs, and improves water quality benefitting downstream users. Since its creation in 2007, the **Legacy Roads and Trails Remediation Fund** has improved over 12,000 acres of watershed, maintained 3,170 miles of trails, improved 10,959 miles of authorized roads, and decommissioned 2,970 miles of unauthorized roads. The Legacy Roads initiative creates or retains approximately 1,500 jobs every year which provide a significant economic stimulus to rural America. OA supports FY12 appropriation of \$854 million for the **Integrated Resource Restoration** budget line for the restoration and management of priority watersheds, with at least \$75 million of that allocated to continue the important work of the Legacy Roads and Trails program.

Department of the Interior - National Park Service

Our national parks offer an array of world-class opportunities to recreate. Many of America's national parks serve as iconic locations for Outdoor Alliance activities, and enthusiasts travel from all over the world to climb, hike, boat, bike, and ski in places like Yosemite, Grand Canyon, and Grand Teton. OA supports the President's proposed FY12 appropriation of \$2.3 billion for the **Operation of the National Park System**, including \$51.5 million for **National Recreation and Preservation**. For over 20 years, the **Rivers, Trails and Conservation Assistance (RTCA)** program has helped people build parks and trails and preserve open space and river corridors in their local communities. RTCA leverages federal funding by assisting locally-led conservation and outdoor recreation projects across the country to create important community infrastructure, encourage volunteerism and environmental stewardship, and connect families and children to close-to-home recreation opportunities. Further, RTCA helps reconnect Americans—especially kids—with the outdoors as part of the America's Great Outdoors initiative. OA believes that an RTCA appropriation of \$10 million for FY12 would allow this essential capacity-building conservation and recreation program to continue.

Department of the Interior - Bureau of Land Management

Many OA members recreate on BLM lands across the country. Opportunities to recreate on BLM lands—such as mountain biking in Utah and climbing in California—are considered some of the most highly-valued in the country. Outdoor Alliance agrees with the Administration that the BLM is uniquely positioned to contribute to the success of the America's Great Outdoors initiative and its goals of reconnecting Americans to these superlative recreation resources and re-igniting the passions of the public for their outdoor legacy. We support a \$77 million FY12 budget for **Recreation Management** that will enable BLM to strengthen its protection and management of popular, high quality recreation areas.

The Outdoor Alliance has long valued the high-quality recreation opportunities found specifically within the BLM's **National Landscape Conservation System (NLCS)** which

Testimony of Brady Robinson, Outdoor Alliance
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represent some of the best human-powered recreation in the American West. Examples include: rock climbing at Red Rocks National Conservation Area in Nevada; mountain biking the Loop Road at Steens Mountain in Oregon; boating the Rogue Wild and Scenic River, also in Oregon; backcountry skiing at Gunnison Gorge NCA in Colorado; and hiking “the Wave” at Vermillion Cliffs National Monument in Utah. OA believes that funding of \$39.3 million for NLCS programs is necessary to hire essential management staff, monitor and protect natural and recreational resources, prevent resource damage, and allow for a quality visitor experience.

Department of the Interior and Department of Agriculture

The **Land and Water Conservation Fund (LWCF)** Act of 1965 directed Congress to allocate royalties from offshore oil and gas development for the purchase of land, waterways, wetlands, and other resource lands and to provide matching grant assistance for state and local projects. The LWCF also addresses the nation's growing desire to preserve natural areas, and provide the recreational opportunities enjoyed by the Outdoor Alliance membership. LWCF landscapes also offer significant environmental, economic and cultural benefits: clean drinking water and protected fisheries; protection from wildfires and flooding; tourism dollars in rural communities; and access to out-of-doors recreation opportunities.

In 1972 Congress authorized \$900 million to be used each year for LWCF projects out of more than \$6 billion in federal revenue collected annually from offshore oil and gas leases. However, federal budgets have historically fallen far short of the support needed for these important and popular projects. Yet, the LWCF has long enjoyed strong and bipartisan support. Last Congress the House of Representatives passed the CLEAR Act (H.R. 3534) which included a provision dedicating full funding of LWCF at \$900 million each year. Bipartisan Senate legislation (S.2747) also provided full and dedicated funding for the LWCF at the authorized level of \$900 million annually. Outdoor Alliance supports the President's stated goal of fully funding the Land and Water Conservation Fund by 2014 and we request the subcommittee fund federal LWCF at \$900 million and stateside LWCF at \$200 million for FY12 to match State funds.

Wild and Scenic Rivers offer Americans some of the best outdoor recreation opportunities on federal lands and is a core component of the America's Great Outdoors initiative. Explicitly funding Wild and Scenic River program staff and activities within each agency would ensure that agencies have the capacity to protect these rivers and provide world-class recreation opportunities. We support the Administration's proposed \$9.3 million for the BLM Wild and Scenic River Program, request that a new line item for the Forest Service Wild and Scenic Rivers program be funded at \$19 million out of the Recreation Management, Heritage and Wilderness budget, and that the Wild and Scenic Rivers Program line item in the NPS budget be funded at no less than \$1 million to complement the Park Unit, Partnership Rivers, and Special Resource Studies budget lines.

* * *

Thank you for considering these suggestions.

Mr. SIMPSON. Thank you. We appreciate your testimony and the work you do.

Mr. ROBINSON. Thank you.

Mr. SIMPSON. Jim——

Mr. MORAN. Another graduate of Outward Bound, which hails—Senator Mark Udall, a former colleague, is one of your alumni I guess and the most prominent. It is a great program.

Mr. ROBINSON. Yes. He has been very supportive.

Mr. MORAN. Yeah.

Mr. ROBINSON. Thank you.

Mr. SIMPSON. Thank you. Next, we have Bill Chandler, Vice President of Government Affairs for the Marine Conservation Biology Institute.

THURSDAY, APRIL 14, 2011.

MARINE CONSERVATION BIOLOGY INSTITUTE

WITNESS

BILL CHANDLER, VICE PRESIDENT FOR GOVERNMENT AFFAIRS, MARINE CONSERVATION BIOLOGY INSTITUTE

Mr. CHANDLER. Good morning, Mr. Chairman.

Mr. SIMPSON. Good morning. How are you doing?

Mr. CHANDLER. It is a pleasure to be here, Moran, Members of the subcommittee.

I represent Marine Conservation Biology Institute. It is a non-profit conservation organization based in the Seattle, Washington area. We have been involved in the conservation of our Pacific islands and Pacific island territory since 2005. I would like to emphasize to the subcommittee that when President Bush created the four national rain monuments out there that he did during his term, he significantly increased the responsibilities of the Fish and Wildlife Service. The service now has lead responsibility or sole responsibility for about 225,000 additional square miles. Altogether, these monuments have increased the size of the refuge system by about one-third, which is sort of a startling number except, you know, they do not have billions of hunters and fishermen trying to get into the refuges out there, but it is a very large area.

These monuments are home to millions and millions of seabirds, rare and abundant corals, some endangered species, and in essence they represent a beacon of what pristine ecosystems are supposed to look like for other nations of the world that are trying to restore their own highly damaged coral island systems throughout the Pacific. In other words, this is a great benchmark—and there are not many left—to show the world what these natural systems really look like and how they are supposed to function.

To adequately meet its responsibilities, we estimate that the Service needs an additional \$18 million but I am not going to ask for all of that today. This would allow them to do several things that are not happening right now—for example, to hire adequate management personnel, to develop plans for the monuments which are, I should point out, two years behind. They have already missed their deadline date for having the management plans prepared along with NOAA. It would enable them to procure transpor-

tation to get out to these islands. They need to keep developing plans and implementing them to restore a lot of the damage that occurred on the islands in the past from military occupations during World War II. And they need to keep the Midway Airfield open and maintained because Congress directed that they do that a number of years ago. And finally, they have to provide enforcement to these areas, consulting with the Coast Guard and NOAA in order to make sure that illegal fishing does not occur in our waters. And there is a problem in that regard. I should also say that the 18 million estimated need does not cover any damages associated with the tsunami that swept over some of these places like Midway.

We are recommending in 2012 a funding level of about 9.03—or just let us round it off to \$9 million—for just the monument activities of the Service out there. And this level of funding would provide an additional \$.5 million for Midway operations, which they need, and the rest would cover the following: managers for two of the monuments that do not have them now, a public planner so that they can get these management plans teed up and done, continued invasive species removal work at a 2 or 300,000 level, and most important—and what I want to emphasize this morning above all else—is travel cost to get a contractor bidding party out to two islands in the remote islands monument to prepare bids to give estimates on what it would take to get two shipwrecks off those reefs.

And the problem with the shipwrecks is that they are not just sitting there. They are leaching iron. The iron is causing the explosive growth of a couple of nuisance species which are killing corals. And at Palmyra Island alone the Fish and Wildlife Service several years ago documented 250 acres of pristine corals have been killed and they are going to keep dying until they get these shipwrecks out and remove the source of the leaching iron.

I have some pictures that I think most graphically show the subcommittee what has been going on there and I will give—you can just flip through these really quickly. The first one is the wreck that showed up on Kingman in 2007. It is now disintegrated and its iron parts, as I mentioned, are leaching iron into the Kingman Reef area. The second picture you see shows the Palmyra wreck, and all of that dark blue area in the field is where the corallimorph has taken over and killed the corals. And it is spreading. The next photo shows what the corallimorph looks like. It is an anemone-like species that has basically eliminated the natural corals that are there. And then finally, another shot of the devastation that is occurring.

I will also point out to the subcommittee that the Fish and Wildlife Service has been aware of this problem for a number of years but has failed to act. Inaction means more corals are going to die and these monuments are going to be further degraded. We frankly find this unacceptable and we hope that the committee will give serious consideration to spurring meaningful action on this matter this year.

And my conclusion after studying this for quite a bit is that the first thing that we need to do is we need to spend \$60,000 or so to have the Fish and Wildlife Service fly out a team of salvage contractors so that they can go to the wrecks, figure out what it is

going to take, and give the Fish and Wildlife Service an honest estimate about what it would take to move these wrecks.

In conclusion, I would say that overall the Fish and Wildlife Service needs more resources to deal with their added responsibilities out here. These places are important even though people do not live on most of them. And we would hope that this would receive favorable consideration by the subcommittee. That concludes my testimony and I would be happy to answer any questions regarding this particular issue or any issue out there.

[The statement of Bill Chandler follows:]



Marine Conservation Biology Institute

William Chandler, Vice President for Government Affairs

March 28, 2011

The Honorable Michael K. Simpson, Chair
 Appropriations Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives, RHOB B-308
 Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Biology Institute (MCBI), based in Bellevue, WA, is a nonprofit conservation organization whose mission is to protect vast areas of the ocean. We use science to identify places in peril and advocate for bountiful, healthy oceans for current and future generations. MCBI supports the US Fish and Wildlife Service (USFWS) National Wildlife Refuge System (NWRS) for the habitats it protects, particularly the monuments and refuges that conserve marine environments. I wish to thank the members of the Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit written testimony recommending \$9.03 million in FY 2012 for the management of the nation's marine monuments.

The USFWS NWRS oversees 553 refuges and 4 marine national monuments covering more than 234,000 square miles. A comprehensive analysis compiled by the Cooperative Alliance for Refuge Enhancement (CARE), of which MCBI is a member, shows that the Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its lands and waters, educational nature programs, habitat restoration projects, and much more. Of that \$900 million goal for the Refuge System, \$18 million is needed to provide sufficient management of the marine national monuments.

Four marine national monuments have been established in the Pacific Ocean since 2006: Papahānaumokuākea Marine National Monument, Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, and Rose Atoll Marine National Monument. Together, these monuments protect approximately 335,348 square miles of marine habitat, of which the Service's jurisdiction from the Hawaii-Pacific Refuge Complex increased by 215,600 square miles. These four monuments include 12 marine refuges and more than 20 islands, atolls and reefs spread across the vast Pacific Ocean. President Bush gave the Department of the Interior (designated to the US Fish and Wildlife Service) management responsibility over the three newest monuments, although the Department of Commerce maintains primarily responsibility for managing fishing in the outer waters. In sum, USFWS responsibilities in the Pacific Islands have increased substantially, but the funding to manage these vast areas has not followed suit.

Papahānaumokuākea Marine National Monument

Papahānaumokuākea Marine National Monument is managed collectively by the Department of the Interior, US Fish and Wildlife Service; the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); and the State of Hawaii, Department of Land and Natural Resources. The monument is home to millions of seabirds, an incredible diversity of coral species including deep-sea corals, and the highly endangered Hawaiian monk seal.

Approximately 90% of Hawaii's green sea turtles nest in the monument, as do about 99% of the world's population of Laysan albatross and 98% of the black-footed albatross. These islands within the monument are also important to Native Hawaiians for culture, history, and religion.

Pacific Remote Islands Marine National Monument

The Pacific Remote Islands Marine National Monument contains some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific Ocean. Any one of the seven coral islands contains nearly four times as many shallow water, reef-building coral species as the entire Florida Keys. The monument provides habitat for an estimated 14 million seabirds and many threatened or endangered species such as leatherback, loggerhead, and green sea turtles; humphead wrasse; bumphead parrotfish; and the globally depleted giant clam. An estimated 200 seamounts, most of which have yet to be identified or explored, are predicted to exist in the pelagic zone within 200 nautical miles of these seven islands. Seamounts are important biodiversity hotspots because they provide habitat and localized nutrients in the vast pelagic waters of the Pacific.

Rose Atoll Marine National Monument

Rose Atoll Marine National Monument is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. Rose Atoll supports 97% of the seabird population of American Samoa, including 12 federally protected migratory seabirds and 5 species of federally protected shorebirds. Rose Atoll is the largest nesting ground in the Samoan Islands for threatened green sea turtles and is an important nesting ground for the endangered hawksbill turtle. Rose Atoll also provides sanctuary for the giant clam, whose population is severely depleted throughout the Pacific Ocean.

Marianas Trench Marine National Monument

The Marianas Trench Marine National Monument protects areas of biological, historical and scientific significance. The monument is home to unusual life forms found in its boiling and highly acid waters, highly diverse and unique coral reef systems (more than 300 species of stony coral), and an astonishingly high population of apex predators, including large numbers of sharks. It monument also encompasses the Mariana Trench, the deepest ocean area on Earth, deeper than Mount Everest is tall.

Marine National Monument Management Implementation

It is imperative that USFWS establish appropriate management measures to adequately protect the land, waters and seafloor of all four of these relatively pristine marine monuments. In particular, the USFWS must have adequate funds to continue to develop management plans for each monument, hire adequate management personnel, provide transportation to visit the islands on a regular basis, develop plans to restore damaged reefs and lands, and consult with NOAA and the US Coast Guard to provide proper surveillance and enforcement actions for all the monuments.

Restoration actions are needed at most of the islands, including restoring natural habitats, removing discarded equipment and structures from past military occupations, and dealing with old waste disposal sites. Additionally, human exploration and occupation has introduced many

invasive species to the islands, including various rodents, insects, and plants, which should be removed for the survival of the native species.

For example, two fishing vessels that grounded in the Pacific Remote Islands Marine National Monument have yet to be removed and are currently devastating the surrounding coral ecosystems. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll; in 2007 an abandoned 85-foot fishing vessel was discovered on Kingman Reef. These two islands are home to coral reefs that are some of the most pristine in the world. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by leaching iron into the water which has accelerated the rapid growth of a nuisance corallimorph, *Rhodactis howesii*. According to the report by the US Geological Service and the University of Hawaii, greater than 100 million corallimorph individuals cover more than 247 acres of the bottom. The most recent expedition to the atoll shows that the corallimorph doubled coverage in one year (within 500 meters of the ship in 2007 to 1100 meters in 2008). Refuge managers recently reported that the corallimorph is continuing to spread out of control and the ship must be removed immediately to avoid further damage to the ecosystem.

The Kingman Reef wreck's initial grounding gouged the reef and has continued to cause physical and ecological damage. The area is showing early signs of the nuisance corallimorph, as well as an elevated growth of algae. The algae and the corallimorph become very abundant when stimulated by increases in limited nutrients, such as iron from corroding ship, and in time smother and kill the surrounding coral reefs. The algae are present on nearly 10% of the metal debris (metallic engine parts, piping, cookware, etc.). Both the algae and corallimorph are present within 200 meters of the abandoned shipwreck. As the ship continues to break apart, more steel will be scattered over the reef crest encouraging algae and corallimorph growth. If this growth continues unabated, it is expected to spread towards the north facing shoreline where more fragile coral gardens are located.

Appropriation Needs

MCBI requests that the subcommittee increase funding for NWRS operations to \$9.03 million in FY 2012 to begin to properly manage and restore the four Pacific monuments. Of the approximately \$7.5 million that USFWS received in FY 2010 to manage Papahānaumokuākea Marine National Monument, over half contributed to the maintenance and operation of Midway Atoll Airfield and upkeep of historic buildings, which is managed and funded jointly with the Federal Aviation Administration. The remaining USFWS funds were inadequate for monument resource management needs. For instance, USFWS does not currently have adequate funds to hire a biologist for the monument.

MCBI recommends a small increase of \$0.5 million to continue to co-manage Midway Atoll Airfield and more adequately manage the natural resources of the monument. The requested amount is in line with the National Oceanic and Atmospheric Administration's funding to co-manage the monument.

Furthermore, USFWS received less than \$200,000 in FY 2010 for management of the three new marine monuments. It has been over two years since the establishment of the newest monuments

and an increase of less than \$200,000 to manage these three extraordinary marine monuments is unacceptable. To properly manage and restore these monuments, the monuments at minimum need \$1.03 million to hire a manager to oversee each new monument (a Rose Atoll Manager was funded in FY 2010), one public planner position to aid in management responsibilities, and associated administrative costs such as office space costs and travel expenses. Additional funds would begin to address restoration measures to remove nuisance and invasive species that are impacting native wildlife populations. Funds will also fund an initial assessment for the removal of the two shipwrecks mentioned above that are damaging coral habitats.

In summary, the USFWS has not requested sufficient funds in FY 2012 to meet its stewardship responsibilities to manage the four marine national monuments and associated refuges.

MCBI respectfully recommends that the subcommittee appropriate a total of \$1.03 million to USFWS NWRS to protect and restore these marine conservation areas for current and future generations.

Thank you for the opportunity to share our views.

Sincerely,

A handwritten signature in black ink, appearing to read "WJ Chandler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

William Chandler

Mr. SIMPSON. Thank you for your testimony. I am sorry I had to step out for just a second, but it is an interesting subject that quite honestly I had not spent a lot of time thinking about. So I appreciate you bringing it to our attention.

Mr. CHANDLER. You are quite welcome. I realize that deep blue water is not a big thing that the Fish and Wildlife Service has dealt with before, but now they have to because they have been mandated to do so by four presidential proclamations.

Mr. SIMPSON. There is not a lot of deep blue water near Idaho. I appreciate it.

Mr. CHANDLER. Well, you will have to get them to take you out to Midway——

Mr. SIMPSON. Yeah.

Mr. CHANDLER [continuing]. Mr. Simpson. That is a fabulous trip and it will really give you real appreciation of what is going on out there and what the needs are.

Mr. SIMPSON. I appreciate it. Jim, do you have anything?

Mr. MORAN. Just that \$900 million is a lot of money. But thank you for your testimony.

Mr. CHANDLER. Well, the 900 is for the whole refuge system——

Mr. MORAN. I understand.

Mr. CHANDLER [continuing]. Not for the monuments, sir.

Mr. MORAN. Right. Yeah. Thank you.

Mr. SIMPSON. Next, we have Barbara King, private citizen, BLM Land Transfers.

THURSDAY, APRIL 14, 2011.

BLM LAND TRANSFERS

WITNESS

BARBARA KING, PRIVATE CITIZEN, BLM LAND TRANSFERS

Ms. KING. Mr. Chairman and members of the subcommittee, thank you very much for the opportunity to testify this morning. My name is Barb King and I am here to testify against funding the BLM Land Exchange program until land exchange regulations regarding public notification in 43 C.F.R. Part 2200 are revised and written in plain English according to President Obama's Executive Order 13583 and the Plain Writing Act of 2010, sponsored by Congressman Moran.

Based on personal experience, I speak unofficially for two groups of landowners whose property values are at risk because regulations do not specifically require mailing them BLM formal notices of an exchange. The Notice of Exchange Proposal informs the public that an exchange has progressed beyond the feasibility stage and the Notice of Decision announces the approval of an exchange in the public comment period.

Interior Secretary Salazar should explain to this subcommittee why adjacent landowners to BLM properties proposed for disposal and all prospective end owners of the BLM land known to an exchange facilitator are not considered "appropriate" to notify in the regulations Subpart 2201 and also why BLM land managers ignore

the BLM land exchange handbook, especially chapters four, five, seven, and nine relating to this notification issue.

Adding these two groups of people to BLM's notification list by regulation would end the Department of Interior's systemic lack of transparency about this issue and would be in keeping with Secretary Salazar's 82-page Open Government Plan. Because of this troubling 2009 Government Accountability Office report on the program, #09-611, Congressional House Resolution 111-80 directed the Secretary to ensure that BLM's national land exchange team documents in the exchange case file the full disclosure of facilitators' contracts and related agreements.

Showing his indifference to the directive, the Secretary simply reissued to BLM field officers the existing unenforceable full disclosure policy in the handbook. Failure to notify all of these parties will perpetuate BLM's longstanding problem with appraisals when a patentee resells the former BLM land at a profit at the expense of the Federal Government and other landowners. Given the news stories, the GAO reports, departmental reorganizations, and congressional inquiries for over a decade, Secretary Salazar should take every step possible to improve this program. Clearly enforcing the full disclosure policy is one of them.

Since the Secretary will not do that, it should be required by regulation and the team made accountable for enforcing it. Specifically, the team should document that all prospective end owners were added to the BLM's mailing list, they were listed on appraisal request forms, the appraiser offered them equal opportunity to attend site inspections, and they received the Notice of Decision. All of this is necessary to ensure accurate appraisals, fair return to taxpayers, and a protection of private property values.

I respectfully encourage members of this subcommittee and all Congressmen and Senators who advocate for land exchanges to read the GAO and House Appropriations Committee reports and then read Secretary Salazar's response to them. Having done that, I believe you will support legislation requiring these revisions. As long as this program is run with contempt for public inquiry and congressional scrutiny, it should not be funded. And that is the opinion of a taxpayer when we are looking at asking taxpayers in 50 states to fund projects in 8 states.

Mr. Chairman and members of the subcommittee, thank you so much for this opportunity.

[The statement of Barbara King follows:]

Mr. Chairman, and members of the Committee, thank you for the opportunity to testify this morning. My name is Barbara King and I am a resident of Houston, Texas. I am testifying in opposition to continued funding for the Bureau of Land Management's Land Exchange program until land exchange regulations in 43 CFR Part 2200 are amended to better protect the private property rights of rural landowners. Over a decade and several critical GAO reports later, Congress is still revisiting, at taxpayers' expense, the same unresolved problems identified in GAO's June, 2000, report to Congressman George Miller, calling for expanded roles, responsibilities, and accountability of BLM's review team, now called the National Land Exchange Team.

I am not a lawyer or a lobbyist, but a citizen who learned about the BLM land exchange program during the process of regaining the national forest access and property value I lost in a Colorado land exchange four years ago. The experience would have been prevented had BLM officials interpreted their notification regulations as I believe the public would expect them to, and exercised what is called the Full Disclosure provision in their exchange agreement with the land exchange facilitator.

In a land exchange, BLM's initial public notification, the "Notice of Exchange Proposal," must be published once a week for 4 consecutive weeks in newspapers of general circulation and mailed to authorized users, jurisdictional State and local governments, and the congressional delegation, and others "as appropriate." The second notice, the Notice of Decision, reads similarly but adds "non-Federal exchange parties" and "individuals who requested notification" to the list. Your constituents would be surprised, as I was, that important land exchange decisions such as notification of the public are made quite arbitrarily by BLM realty personnel.

The notification regulations should be amended to add two groups of potentially affected people to the mailing list for these notices. The first group is adjacent landowners to BLM land up for disposal and the second group consists of prospective patentees and grantees of the Federal land, known to the land exchange facilitator.

I have asked countless BLM officials to explain how BLM defines the word "appropriate" in this regulation, and never received an answer. Most recently, Ms. Kim Berns, BLM Division Chief of Lands and Realty, told me that all my questions had been answered and she had nothing further to offer. Since this exchange occurred in former Congressman John Salazar's district, I thought he could help, but I was told he could not require an agency to do anything. So, two years later, I still don't know exactly what BLM means by the term, or why these two groups of people are not appropriate to notify. However, I have learned one thing. An individual citizen is not going to win a battle of semantics with the Department of Interior.

Unknown to the public, the acting DOI Inspector General, Mary Kendall, recently instructed BLM officials to specifically remove, from the next edition of the Land Exchange Handbook, its requirement to notify adjacent landowners, which has been on the Handbook's exchange processing checklist since 1997. This defies common sense. There is, however, a contingent at BLM that does think such notification is the right thing to do. The exchange Notice of Intent said BLM would notify adjacent landowners. The exchange Decision Summary stated, incorrectly, that it had, revealing the NLET's lack of oversight regarding the notification procedure. In addition, DOI officials testified before the Appropriations Committee in 2005, that BLM must notify adjacent landowners.

Next, I would like to comment on Secretary Salazar's recent response to this Committee's directive to him in HR 111-80 to reform the land exchange program based on the troubling 2009 Government Accountability report entitled "BLM and the Forest Service Have Improved Oversight of the Land Exchange Process, but Additional Actions are needed." BLM has re-issued, via Instruction Memoranda to Field Officers, policy already in the Handbook. Even if the content of these memos had been encouraging, apparently it wouldn't matter. A senior BLM official told me BLM considers the Handbook only a guide and no case law enforces it.

One memo reveals that Field and State realty officials may or may not have received formal training, are largely self-policing, and interpret statutes, regulations, and exchange policies with a supervisor "spot-checking" their work. This is contrary to GAO's recommendation that staff complete mandatory training.

Another memo reiterates the Full Disclosure requirement which has been in the Handbook since 1997. Simply reissuing this is meaningless without BLM's commitment to enforce it. As GAO states, it is imperative BLM realty staff do this.

My experience illustrates how crucial that provision is, for three reasons:

- 1.) BLM must know the content of a facilitator's agreements, the exchange parameters stated and the scope of work offered, to ensure consistency with BLM policies.
- 2.) BLM must add prospective patentees and grantees known to the facilitator to its mailing list. This makes sense according to the regulation, and is required by Handbook policy in Chapter 9.
- 3.) BLM must enter the names of both the prospective patentee and grantees on its appraisal request forms to submit to the appraiser so he is aware of its present use and economic factors such as all parties to the transaction.

The Secretary's response also rejects the Congressional directive to ensure that decisions regarding land exchanges are fully documented, leaving documentation of full disclosures at the authorized officer's discretion. Therefore, the exchange regulation should be amended so BLM's National Land Exchange Team must provide case file documentation of the disclosures. This is the GAO recommendation, and as Congressional members look at this issue more closely, I think they will agree it should be done, and the Team should be held accountable to Congress.

Finally, DOI's embedded philosophy of "delegating down," favoring a State-run land exchange program with little Headquarters oversight, can put top officials in the position of making inaccurate statements to Congress, based on unsubstantiated and biased information received from the field. This may be routine in Washington, but to the public outside the beltway, it is entirely unacceptable.

For example, responding to Congressman Culberson's requests for information, BLM Director Abbey stated that BLM had followed all regulations and policies in the exchange, when, among other things, BLM failed to exercise the Full Disclosure policy. The National Land Exchange Review Team had not verified disclosures, so it was only after the exchange BLM realized some of the exchange parameters did not square with BLM policy.

Instead of honoring BLM's galling request for increased funding for land exchanges, Congress should wait until Secretary Salazar implements the GAO recommendations and Congressional directives.

Mr. Chairman, and members of the Committee, thank you again.

Mr. SIMPSON. Thank you. You posed some interesting questions that I do not have the answer to, obviously. Mr. Moran.

Mr. MORAN. No, I agree.

Mr. SIMPSON. We will pose those questions to the right people.

Ms. KING. Okay. Thank you very much.

Mr. SIMPSON. I appreciate it. Thank you for your testimony. Next, we have Madeleine Pickens, founder of Saving America's Mustangs. Welcome, Madeleine.

THURSDAY, APRIL 14, 2011.

SAVING AMERICA'S MUSTANGS

WITNESS

MADELEINE PICKENS, FOUNDER, SAVING AMERICA'S MUSTANGS

Ms. PICKENS. Thank you. I am honored, Chairman, to be here, and Congressman Moran. It is really interesting here today listening to everybody and their monuments and Fish and Wildlife. They all have so much. And I am here representing the American mustang. And it is extraordinary that we have to get a life of our own, but I think we are here.

And I stand here as an immigrant to the United States. I was born in Iraq. I was fortunate because I dreamed of coming here. I fell in love with America. I used to go to movies with my father and watch westerns and I could not wait to get here. So many of you in this room were born here. You were born rich. You have a great history. I think too many of you have forgotten what it is all about.

And so I present to you—I have Chief Arvol Looking Horse, 19th generation keeper of the sacred white buffalo calf pipe of the Lakota, Dakota, Nakota Nation of the Sioux, and his wife Paula, as well as Travis Jackson, Junior. And he represents the Seminole Nation from Oklahoma. We are pleased to be also accompanied by wounded Army veterans Brian Field and Clay Rankin, along with their service dogs Justice and Harley. These are some of our great American heroes. And we have Stacy Dager here. She represents all of the American citizens who were not able to attend this hearing. And all of these special people have traveled from all over the Nation to be here in support of our wild horses. I am here to realize another dream—on behalf of our American mustang—a permanent home for them called Mustang Monument in Nevada.

Wild horses and burros are unfortunately a frustration and management dilemma for the Bureau of Land Management. These wild animals were designated by Congress as living American historical symbols by the Wild Horse and Burro Act, PL 92-195. How have these national living symbols of American history been devalued as less deserving than a national historic stone monument? Why are these wild animals a frustration and dilemma to the Bureau of Land Management? It is because the multiple-use culture of the Agency encourages commercial and political interest to prevail over the interest of wild horses and burros on public lands. I am sure that if our national historic monuments or parks were managed by

Bureau of Land Management, these public properties, too, would be subject to short-term commercial and political interest.

Through the creation of Mustang Monument, a historic living museum, thousands of wild horses and burros could be managed by the Department of Interior with an emphasis on protection for and public interaction with these magnificent living symbols of American history. Surely this approach is in keeping with the spirit and intent of Congress. A living versus stone historic monument is a difficult concept for management. But both are equally important to sanctify and preserve our American history and culture for future generations of American people.

A living monument is the missing key to the proper management of horses and burros removed from HMA areas, Horse Management Areas, which honors the intent and spirit of Congress, as ordered in PL 92-195. Over the course of the past three years, I have had numerous conversations and meetings with Bureau of Land Management Personnel in Washington and Nevada. They all agree the demand for adopting wild horses and burros is inadequate to keep up with animals gathered annually. Fertility control has its place, but it is not slowing the need to gather thousands of animals annually. The cost of confining gathered horses in feedlots is out of control. The living conditions inhumane and the Agency needs millions of dollars more each year to feed the growing herds of wild animals in captivity. And the Agency needs new authority to implement a new solution.

So the existing Wild Horse and Burro Program is not sustainable. Every year the program costs the taxpayers millions of dollars more. Every year the Agency gathers thousands of horses which are not adoptable. And every GAO report on the Wild Horse and Burro Program states the same conclusion. The program needs to be fixed.

We have broken out the current cost of the BLM program with a significant cost savings with my sanctuary proposal. And I believe you all have that there. With my proposal, the government stands to save \$607 million. It is amazing. You know, when you gather these horses off the range and many of them are mares, they are in foal. Those babies are born in captivity. When they are born in captivity, you feed them every day hay and water. They live another 10 to 20 years. You know, people forget that. When they live on the range, they have a shorter life. But that is nature. That is how it is supposed to be. So not only have you gathered them, but you have now guaranteed yourself another 10 to 15 years of looking after them. You have got to do something about it. I have a chart here that you all have that you can take and see.

Quite candidly, the leadership within the Department of Interior and Bureau of Land Management feel their hands are tied, tied by the language within the Taylor Grazing Act and Wild Horse and Burro Act. And these fine men and women are waiting for you to provide new direction and authority so they can create these public-private partnerships. Employees within the Bureau of Land Management cannot lobby Congress for this new authority but they sure would like your approval to relax the Taylor Grazing Act and the Wild Horse and Burro Act and create a new opportunity to combine large tracts of public lands administered by the Bureau of

Land Management with private lands as new homes for the wild horses and burros.

I have discussed this plan with the BLM and they agree with the concept. Both Secretary Salazar and Director Bob Abbey have been involved working out the details to ensure the plan is ecologically sound, economically feasible, and socially attainable. And without fail, every western movie I saw as a child always had the same ending. The cowboy would rush in and save the day. It is now in your hands to be the right cowboy and turn this program around.

By unanimous decision in 1971 Congress made it clear that the wild horse is an American icon and we call it the American mustang. We have with us and I have right here 72,000 emails and letters from the public stating how horrified they are with what the BLM is doing and asking for a moratorium on the roundups immediately. This volume of letters is exponentially high and needs to be justly delivered to the BLM by way of your ruling. The American public is counting on this Appropriations Committee to take action today and give our mustangs back their right to live on the range.

Please remember my website everybody here, SavingAmericasMustangs.org. Join us. We have a huge army of support now and I am delighted to be here today. I know I am talking to the right cowboy.

[The statement of Madeleine Pickens follows:]



Written Statement from Madeleine Pickens:

As Congress works to finalize legislation for Fiscal Year 2012, Saving America's Mustangs would like to bring to your attention the significant cost savings that could be realized for American taxpayers through adjustments to spending in the Department of Interior/Bureau of Land Management's (BLM) Wild Horse and Burro Program and the approval and adoption of our Wild Horse Eco-Sanctuary plan. We have been extremely frustrated with the lack of progress on the eco-sanctuary project that I have proposed for the last two and a half years even though I have taken every means necessary, including my own personal financial investments, in order to make this dream a reality for our wild horses.

We are recovering from an extreme economic downturn, the likes of which hasn't been seen since The Great Depression and the need for jobs in small communities is at an all-time high. The sanctuary that I have proposed could, when fully developed, provide up to 1,000 jobs and tourism at the site and in surrounding communities. There are community leaders in small towns in Elko County, including Wells, which are very anxious to see this project move forward so they can reap the benefits of those jobs and create a stimulated economy there. I have received countless letters of support from people all over the world and from members of Congress and the Senate.

Last year in a bi-partisan sign on letter, 54 members of the House of Representatives wrote in July 2010:

"We remain concerned that (Wild Horse) roundups are conducted at great expense to the taxpayer. As we have pointed out in the past, BLM's aggressive use of roundups have resulted in unsustainable increases in the number of horses in holding facilities (now at 38,000) and continues to undermine the BLM's overall budget. Unfortunately, the frequency of roundups has only increased under this administration."

Last year, the BLM encouraged me to purchase a ranch property and that would trigger moving forward with the sanctuary. I have purchased two ranches that include 18,500 of private land and more than 550,000 acres of public land that transfers with my property. I have been to extensive meetings with the BLM, including making plans to do water improvements and install fencing. We are in limbo now, and the BLM is continuing to remove and hold thousands of horses (including horses off of my property) at the cost to American taxpayers. With one of the largest budget crisis in decades, why are we continuing to allow such fiscally irresponsible behavior to continue?

With my sanctuary plan, the wild horses that we wish to take in the initial startup phase will be those currently in BLM's short-term holding facilities where they are being kept at an average cost of \$2,500 per year, per horse. We have proposed to the BLM that we will take these horses at the current long-term holding rate of \$475 per year, per horse. We have broken out the current costs of the BLM program with the savings if my proposal was accepted in the chart below:

BLM Current Short-Term Holding Costs to Taxpayers:				
# of Horses	Yr. Rate	Cost Per Yr.	10 Yr. Cost	15 Yr. Cost
1,000	\$ 2,500	\$2,500,000	\$25,000,000	\$37,500,000
10,000	\$ 2,500	\$25,000,000	\$250,000,000	\$375,000,000
15,000	\$ 2,500	\$37,500,000	\$375,000,000	\$562,500,000
Saving America's Mustangs Proposed Short-Term Holding Costs to Taxpayers:				
# of Horses	Yr. Rate	Cost Per Yr.	10 Yr. Cost	15 Yr. Cost
1,000	\$ 475	\$475,000	\$4,750,000	\$7,125,000
10,000	\$ 475	\$4,750,000	\$47,500,000	\$71,250,000
15,000	\$ 475	\$7,125,000	\$71,250,000	\$106,875,000
Total Taxpayer Savings over 1, 10, & 15 years with SAM Plan:				
		1 Yr. Savings	10 Yr. Savings	15 Yr. Savings
<u>1,000 horses</u>		<u>\$2,025,000</u>	<u>\$20,250,000</u>	<u>\$30,375,000</u>
<u>10,000 horses</u>		<u>\$20,250,000</u>	<u>\$202,500,000</u>	<u>\$303,750,000</u>
<u>15,000 horses</u>		<u>\$30,375,000</u>	<u>\$303,750,000</u>	<u>\$455,625,000</u>

Anyone who doubts or suggests there is not a significant savings in this approach is simply ignoring the truth or refusing to do the math. I have also discussed in detail with the BLM about the possibility of purchasing more land so that at some point we will be able to take the entire 12,000 horses currently in short-term holding. Only when we have accomplished that goal can we truly say that we are solving the holding cost issue.

From its inception over two decades ago, the Wild Horse and Burro Program never operated toward the favorable management our wild horses. They have continued to gather horses at an alarming rate, spending millions of dollars on a broken program, and it's still rising. Is this the best our government can do for our American citizens and our icons: the wild horse? More importantly, is it *legally* consistent with the law that was passed to protect our wild horses in 1971? With that legislation it was passed that it was the policy of Congress that the wild free-roaming horses and burros be protected from capture, branding, harassment, or death; and that the areas in which they are presently found to be an integral part of the natural system of the public lands. It makes you ask yourself, what has now changed that we are letting this continue to an eventual point of extinction of this species?

The following was posted on the BLM's website on September 29, 2009:

"In Fiscal Year 2008, holding costs exceeded \$27 million, accounting for three-fourths of the FY 2008 enacted funding level of \$36.2 million for the BLM's total wild horse and burro program. This level of funding is not sufficient to support necessary removals from the range while maintaining lifetime holding for older unadopted animals. To continue its current removal, holding, and restrictive sales practices, the BLM would need approximately \$85 million in 2012."

It's time to turn the corner on this flawed management direction and begin solving these problems now rather than continuing to add to the list of financial problems that the Bureau of Land Management

already has to be accountable for. Millions of Americans are watching and waiting for us to do the right thing and protect the remaining wild horses and to provide a humane and fiscally sound solution to this problem. I implore you to raise your voices and tell the BLM that the status quo is not acceptable. Our wild horses need change *today*, not five years from now. Five years is way too late to implement change in a program that does irreversible damage every day.

We respectfully request that the members of the Appropriations Committee, Subcommittee on Interior Appropriations pass legislation that:

- Rejects BLM's \$12 million wild horse and burro budget increase request, unless language specifically prohibits expenditure of funds to remove more horses from the range.
- Suspends wild horse and burro roundups in all, but verifiable emergent situation.
- Prohibit the use of any funds to euthanize healthy horses or sell horses directly or indirectly for slaughter.
- Fund private/public partnerships offering sound solutions to the wild horse dilemma. Partnerships like Saving America's Mustangs' proposal offers taxpayers millions of dollars in savings and ensures a safe and humane future for our cherished wild horses.

Mr. SIMPSON. Thank you for being here, Madeleine. You know, we sat in the office and talked about this. There are, as you mentioned, challenges in doing it. The Taylor Grazing Act would need to be changed, a few things like that which this committee cannot do but the Natural Resources Committee is the one that does that work. You point out a true problem that has got to be solved.

Ms. PICKENS. You know we can solve it. You know we all care about the horse. Unfortunately, it got degraded to nothing. And I think together we can do this. So you know, we were broke two years ago and you came up with billions upon billions of dollars to the banks and handed it out overnight, so I am sure this is a whole lot cheaper to fix. And I have already bought land. I bought land in Nevada. We have got, you know, over half a million acres now. We just need to change it from cattle grazing to horse grazing. So you know, when we all come forward as Americans here, join us. Help us. You are the people with the voice. You can be our John Wayne.

Mr. SIMPSON. Thank you.

Mr. MORAN. Well, thank you, Cowboy Simpson.

Ms. PICKENS. It is okay.

Mr. MORAN. As you know, I would love to see your plan work, Ms. Pickens, and I appreciate your tenacity and your dedication to the American mustang. And we will see what we can do.

Mr. JACKSON. Mr. Moran.

Mr. MORAN. Yes, sir?

Mr. JACKSON. Would you honor me to say a few words, please?

Mr. MORAN. Mr. Simpson is the chair.

Mr. SIMPSON. Briefly, yeah.

Mr. JACKSON. Okay. My name is Travis Jackson, Junior. One hundred and fifty one years ago our people were moved from the East Coast to now what is Oklahoma. It is a shame that God's creatures, your Bible, does not say anything about, you know, a difference between men. It is just God's creatures. We all have the right to live. We all have the right to survive. One hundred and fifty one years ago, someone else wanted our land and they moved it away from us. We now live in Oklahoma. But our heart is still. We believe in you. We believe in your God. Show us that we are right. Thank you, sir. Thank you very much.

Mr. SIMPSON. Cynthia, did you have—

Mrs. LUMMIS. You know, I do. And Mrs. Pickens, I know that this is your *raison d'être*. But I can tell you that a number of the well-meaning concepts that have been implemented by your group is damaging the grass resource that is the very lifeblood of the mustangs that you so desperately want to help. I come from a state that has a large number of these wild horses, Wyoming, and we are very reverent when it comes to the Pryor Mountain herd and other wild horse lands. But there are so many horses that they are destroying the grass resource and when the grass resource is gone, it is gone not only for the horses but for other species—mankind, elk, deer, buffalo, and other species that are integral to a vibrant ecosystem.

These ecosystems are fragile. The topsoil is very thin and these horses that are not native to this land but were brought in and are feral to this land, when they are too numerous, tamp the soil down

in a way that requires a change in the way the land is managed. And that is because the horse hoof is a solid hoof. The buffalo, elk, deer hoof is a split hoof. So when you have the native grazers of those lands, which are the elk, deer, buffalo, they knead the soil when they graze and walk. And horses tamp it down. So when the horses are too numerous, when it rains, they are tamping the soil and then the rain runs off. And you can look at studies of grazing ungulates that will show the damage that can be done when wild horses are too numerous. There are places in Wyoming where they are too numerous.

So I appreciate your coming forward with solutions as opposed to saying the horse is more sacred than other species; therefore, we want to elevate them above all other species in terms of the management of species. But I would also argue that it is important to address these issues realistically. And the Bureau of Land Management is a land management agency. And they are looking out for the best interests of the land because the land has to be protected in order to be a vibrant resource for all species, native and feral horses as well.

So I would be happy to work with you because I think some of the solutions that you have pushed thus far have been detrimental. But I also think that some of the ideas that you have going forward could be helpful. So although you and I disagree somewhat fundamentally on what should be the role of the wild horse in relation to other species, I think we can agree that the current status quo is unacceptable and that there needs to be some changes. And I hope that you would be willing to work with me.

Ms. PICKENS. I look forward to, actually, if you do not mind I will give you a call and I will come by because I am not quite sure what you are referring to what we do not agree with. So I am delighted to have met you today. And I will call upon you if I may, I would love to chat with you and go over the whole thing because I am very confident that there is always a solution to everything in life.

I actually have a statement perpetuating the myth that wild horses are desecrating the public lands. One hundred years ago we had two million horses roaming the plains. Perhaps they could have desecrated the lands there. Today, we are left with probably 20 to 30,000 horses. There is no way, as I fly across this country every week and look below me, there is not enough of them out there to desecrate the land. Some states only have a few hundred. How could they be destroying the lands? In states like Nevada, where nearly half of the wild horses reside, allocate more than 10 to 1 acres for cows versus horses. So yet your horses bear the brunt of the myth about overgrazing and to continue to tell people that they are dying and starving when it is obvious that all gathers that nearly all the horses are in good condition is another one of those overblown statements that does not pass the straight-face test.

You know, all this stuff about desecrating the land, I do not know where it came from. I have done so much research. It is just the saddest thing. And that is why I would be willing to fly out there with you and let us spend some time together and get over all of these myths.

Mr. SIMPSON. Well, I appreciate that. And you two get together and work this out if you would because we have used much, much more than the five minutes that was accommodated.

Ms. PICKENS. We deserved it.

Mr. SIMPSON. Did you have a brief statement you wanted—a brief something you wanted to say? Go ahead.

Mr. LOOKING HORSE. I am the keeper of the sacred pipe and we are from the sacred Black Hills, the heart of mother earth. We use horses in our ceremony and we have like proof that the horses were here during the dinosaur time but that we just know that people like ourselves—but we are the first nations here. We have ceremonies. We maintain the environment through our ceremonies, through our sacred sites, and we follow the animal nation. And right now the white animals are showing their sacred color, which is white, and that is why we are coming forth, stepping forward to protect the wild horses, all the horses, because in our ceremonies they are very sacred to our ceremonies and that is why I come here because we need the horses on this sacred land here.

Mr. SIMPSON. Thank you. Thank you. I appreciate your testimony today. Next, we have Congressman Dan Burton from Indiana's 5th Congressional District.

THURSDAY, APRIL 14, 2011.

BLM, WILD HORSES

WITNESS

HON. DAN BURTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. BURTON. Thank you. Mr. Chairman, I apologize for my tardiness. I was a little late getting here so I did not hear all of Ms. Pickens' testimony. It is because I had three committee hearings at the same time. And as you know, what we try to do as Members of Congress—and I know you would appreciate this as well—is we try to make sure that Members of Congress can testify as early as possible so that they can make their other obligations in the Congress.

Mr. SIMPSON. Yes, I know.

Mr. BURTON. And so I am a little disappointed that we were not able to solve that because we have got two governors sitting up in one room I am supposed to question. We have—

Mr. SIMPSON. Well, I apologize to the gentleman. The schedule was put out earlier. If there had been a conflict that we had known about, we would have made those arrangements. It is hard to interrupt in the middle of the scheduled hearing. But I understand your comments.

Mr. BURTON. Thank you.

Mr. SIMPSON. I appreciate them. I will take them into advice.

Mr. BURTON. Thank you, Mr. Chairman. I look forward to the day that you can come before my subcommittee.

Let me just say, Mr. Chairman, that there are 37,000 wild horses on BLM lands and more than 30,000 additional horses that are being held in short- and long-term holding facilities. It is costing tons of money. I think it has gone from \$20 million a year to a \$75

million request by the President this year. And it is going up. And as you know, we have budgetary problems and we are trying to figure out ways to economize. Now the Bureau of Land Management, after you were kind enough to allow us to have an amendment to the H.R. 1 for \$2 million, it sent a message to the Bureau of Land Management. And on March the 25th, BLM issued a request for proposals to establish wild horse ecosanctuaries to be established on private lands.

Now, it is interesting that Ms. Pickens has been working on this for many years and she proposed this very same program three years ago and the Bureau of Land Management turned a deaf ear and would not even talk to her about that or at least give her a fair hearing on it. And now because we have shone a little light on the subject, they are asking for almost exactly what she was proposing three years ago. She is really concerned about the wild horses and she is more than willing to put her money where her mouth is. She has bought two ranches out there and she has got permits for another 4 or 500,000 acres. And I think she stated very clearly—to answer your questions—that instead of millions of horses like we used to have on the plains, we have just maybe 30, 40,000 out there now. And for them to do damage to the ecosystem stretches credulity.

And I know that many of the ranchers and others are very concerned about their cattle and their grazing lands and everything, and I think that is something that should be looked into and should be worked on. But at the same time to put these horses in pens, to move them hundreds and hundreds of miles away from their habitat to these pens and pay up to \$2,500 a year per horse to take care of them when Ms. Pickens could do it for much, much less if an agreement could be reached. And in addition, she has indicated she would take steps to make sure that the herds do not expand so it would not hurt the ecosystem. And she can do that through various methods to make sure that they do not reproduce.

So I will submit this for the record, Mr. Chairman, but I really believe that we are talking about something that should be dealt with. The Bureau of Land Management should deal with it. It would be economically advantageous for the United States of America because it would cost a lot less money. It would save the horses. I do not think it would damage the ecosystem. And there are people out there who are willing, in addition to Ms. Pickens, who are willing to get together with her and form associations that will pay almost all of the freight for this. So it is more of a political thing than it is a cost thing as far as to the government, other than what they are already spending, which is about \$70-some million a year. And with that, I will submit the rest of my statement for the record, and if you have any questions, I would be glad to answer them for you.

[The statement of Hon. Dan Burton follows:]

The Honorable Dan Burton (IN-05)
Statement on Interior Appropriations
4.14.11

Chairman Simpson, Ranking Member Moran and Members of the Committee, thank you for giving me the opportunity today to share with the Committee my concerns about the Bureau of Land Management's operation of the Wild Horse and Burro Program.

I would also like to thank Chairman Simpson and Ranking Member Moran for working with me to address this very issue during consideration of the "Full-Year Continuing Appropriations Act" (H.R.1). I believe our efforts to send a message to the Bureau of Land Management that change must come to the Wild Horse and Burro Program NOW has borne some fruit, but more needs to be done, and I urge the Committee to continue its aggressive oversight of this program.

As the Committee knows, since 1971 the Secretary of the Interior has been charged with managing wild horses and burros on Bureau of Land Management (BLM) rangelands in order to protect the herds and ensure healthy rangelands.

Today, there are roughly 36,940 wild horses on BLM lands. More than 30,000 additional wild horses are being held in short- and long-term holding facilities because by law the Bureau of Land Management must remove thousands of animals from public rangelands each year in order to maintain scientifically appropriate herd sizes. And by law the Bureau of Land Management assumes responsibility for the care of these animals.

In 2008, as the Committee is well aware, the Government Accountability Office (GAO) warned that if the costs of caring for these horses in holding facilities were not controlled, they would eventually overwhelm the Bureau of Land Management's wild horse budget. In short, GAO said that if we don't fix this problem, we are heading for a financial, and environmental disaster.

The Bureau of Land Management itself estimates that the cost of holding animals in all of its facilities - short and long-term - consumes nearly three-quarters of its appropriation for wild horse management. In order to keep pace, spending for the Bureau of Land Management to manage wild horses has more than tripled from \$20.4 million in FY2000 to \$64 million in FY2010. For FY2011, the Obama Administration wanted \$75.7 million.

To improve the management of BLM's Wild Horse and Burro Program, GAO in its 2008 report specifically recommended that the Secretary of the Interior should direct BLM to develop "cost-effective alternatives to the process of caring for wild horses removed from the range in long-term holding facilities and seek the legislative changes that may be necessary to implement those alternatives."

The witness who spoke before me, Mrs. Madeleine Pickens, proposed to BLM back in 2008 a unique, and I believe cost-effective, alternative to BLM's current process for caring for wild horses. I know that some people believe the Pickens' plan cannot work; that is debatable. What upsets me is that BLM seems unwilling to even have that debate; unwilling to look beyond

business as usual. When business as usual is costing the American taxpayer money that we don't have to spend and contributing to inhumane treatment of these animals; business as usual to me is simply unacceptable.

In January 2010, Secretary of the Interior Salazar published an op-ed in the Los Angeles Times, that "We must recognize that the federal government alone cannot restore the health of wild horse herds. We need citizens to help. We want Americans to visit their public lands where horses roam, to help us care for these magnificent animals, to share their ideas with us and to help us find citizens and animal lovers across the country who will adopt wild horses and provide healthy, happy homes for them."

Yet, Mrs. Pickens has had an idea on the table for three years and no one at BLM wanted to listen. They were just happy to go along with the status quo.

That is why I offered my amendment to H.R. 1 to cut a modest \$2 million from the Bureau of Land Management's general funds, as a message to the bureaucracy at the Bureau of Land Management that it is high time to finally get serious about fixing this program. Developing cost-effective alternatives to the process of caring for wild horses removed from the range in long-term holding facilities would be a win for the animals as well as a win for the American taxpayer.

The House of Representatives approved H.R. 1 on February 19th. On February 24th, the Bureau of Land Management announced that it would accelerate its "planned" reforms to how it manages wild horses and burros on public lands; including issuing a request for proposal for members of the public to enter into partnerships with the Federal government for long-term care of wild horses. On March 25th the BLM issued a request for proposals to establish wild horse Eco-sanctuaries to be established on public private lands out West - EXACTLY the kind of proposal that Madeleine Pickens first started pitching to the BLM back in 2008.

It is possible that the timing of these actions is purely coincidental but it is also possible that these actions are BLM's response to the House of Representative's support of the Burton amendment to H.R. 1. I am concerned, however, that these long-overdue reforms may once again fall victim to a stubborn bureaucracy unless this Committee continues to exercise aggressive oversight. That is why I am here today, not to advocate for a specific level of funding for the Wild Horse and Burro program; although I would urge you to do what you can to ensure adequate funding to care for the animals already taken off the range. I am here today to respectfully ask the Committee to use the tools at your disposal - funding restrictions, regular progress reports, whatever is appropriate - to ensure that the Bureau of Land Management keeps moving forward. I want them to look at every viable alternative, to explore every idea and find a better and cheaper alternative before it is too late to avoid the financial and environmental disaster that GAO warned about more than three years ago.

Thank you once again for the opportunity to testify today and I am happy to answer any questions you may have.

Mr. SIMPSON. Well, I appreciate that. And I appreciate your concern about what we are spending on this wild horses program. Everybody is concerned about the increased cost that we have been spending on wild horses and burros and how we can address it. And I have looked at the proposal by Ms. Pickens with some interest. There are some challenges in that it would take a change in the Taylor Grazing Act, in probably the Wild Horse and Burro Act, and those types of things, which we cannot do here. But I hope that the BLM will sit down and if they have got problems with it or questions about it, at least raise those so we will know what those issues are and maybe they can be addressed.

Mr. BURTON. And let me just say one more thing, Mr. Chairman. You are in a position of authority, along with Mr. Moran, and I would appreciate it if you could talk to the leadership at the Bureau of Land Management and ask them to really get serious with Ms. Pickens and take a hard look at her plan because they have just said publicly that they wanted to come up with something very similar to that.

Mr. SIMPSON. Yeah.

Mr. BURTON. And try to make sure that they are willing to work with her to help solve this problem.

Mr. SIMPSON. I have no problem doing that. I would like to know so that if—they may come up with an answer to me and I go, gee, I had not thought about that and you make absolute sense. I do not know. I would like to know what their concerns are and stuff and, you know, so I have the right answers.

Mr. BURTON. Okay.

Mr. SIMPSON. Because we all want to deal with this issue that is getting more and more expensive I think and taking up a larger share of our budget. So I appreciate it and thank you for your interest in it.

Mr. BURTON. Thank you, sir.

Mr. SIMPSON. You bet. Hearing will be adjourned for today.

FRIDAY, APRIL 15, 2011.

**TESTIMONY OF INTERESTED INDIVIDUALS AND
ORGANIZATIONS**

Mr. SIMPSON. The committee will come to order. I am in order, since I am the committee today. We are going to have a hectic schedule today because we are going to be interrupted by votes about every hour or so on the various budget proposals that are over there, and we just had our first vote, which is why we are five minutes late, and I talked to Mr. Moran, who is on his way to vote and he said he will be back in just a few minutes and to go ahead and start.

So good morning, and welcome to a second day of public witness hearings. This morning the subcommittee will hear from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee. Each witness will be provided with five minutes to present their testimony. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair would request that we keep things moving along. It is likely that we will have House floor votes but we will do the best we can to get through this morning.

I am happy now to yield to my friend, Mr. Moran, who is not here. Thank you, Mr. Moran, for your opening statement. He will be back shortly.

Our first witness today is Shelley Roberts, CEO of the Idaho Rural Water Association. How are you doing, Shelley?

Ms. ROBERTS. Good. How are you?

Mr. SIMPSON. Good.

FRIDAY, APRIL 15, 2011.

ENVIRONMENTAL PROTECTION AGENCY

WITNESS

SHELLEY ROBERTS, CEO, IDAHO RURAL WATER ASSOCIATION

Ms. ROBERTS. I would like to thank you and the members of the subcommittee for the opportunity to appear before you to discuss the Environmental Protection Agency's technical assistance of training and source water protection initiatives that directly benefit rural America. My name is Shelley Roberts and I am the CEO of Idaho Rural Water Association representing over 350 small and rural communities that have to comply with all EPA regulations. There are similar associations throughout all the states.

Before I begin, I would like to thank you and your staff for all the support and guidance you have offered. We are very grateful.

My purpose in appearing before you is to simply emphasize the importance of providing small drinking water systems training and

technical assistance in complying with the ever-expanding requirements of the Safe Drinking Water Act. Of the billions of dollars provided to EPA by the subcommittee each year, small rural communities will tell you they see and feel the most benefit from the dollars provided to rural water programs. It is simple: Small communities want to ensure quality drinking water. Local water supplies are operated by people who are locally elected and whose families drink the water every day. However, they need assistance in a form they can understand. Funding provided to rural water programs across the country and in Idaho allow for spending to be more results-oriented, non-regulatory, less bureaucratic, more effective and less expensive.

Currently, 92 percent of the 50,000 community water systems in our Nation serve populations of less than 10,000. We urge you to continue funding the training and technical assistance and source water protection initiatives at the authorized level of \$15 million.

In Idaho, we have nearly 2,000 EPA-regulated drinking water systems of which only 20 serve populations over 10,000 people. That means that 1,947 water systems in Idaho serve small communities. There are similar comparisons on other states. I have witnessed a direct correlation between this assistance and increased compliance and sustainable activities for the utilities in Idaho. EPA has also made similar findings across the country. In the long run, water systems that are maintained and properly managed actually save the community and the Federal Government money.

The Federal Government mandates operators to be certified and receive continuing education each year. The only place small communities can receive that training is through state rural water associations. Last year, Idaho Rural Water offered 38 training sessions throughout Idaho and had nearly 1,100 attendees. In your district alone, we provided training to 318 water officials representing 115 different communities. As our communities learned about the potential EPA funding cut, we had an immediate outcry from our members, community leaders and even other state and federal agencies. This stack of letters here represents just a small portion of the communities that will be adversely impacted both financially and technically as a result of loss of EPA funding this year. Our phones are ringing off the hook with people trying to enroll for classes that are being closed due to space limitations.

One example of the onsite assistance Idaho Rural Water has provided occurred in Hazelton in southern Idaho. The Hazelton low-income housing facility has only 40 water connections and is typical of the over 10,000 communities assisted each year by state rural water associations. The Hazelton Housing Authority was struggling to find a licensed operator and approached Rural Water for help. Rural Water provided one-on-one personal training to help someone at the housing authority pass the test so that the small housing facility could continue to serve these families. There are many, many examples just like this where small communities turn to Rural Water to help when all other resources have been exhausted and communities are trying their best to remain in compliance with state and federal regulations.

We urge you to continue to fund this small part of EPA's budget. Just one-half of 1 percent of their budget benefits thousands of

communities and millions of people that depend on it for safe drinking water. Thank you for your time.
[The statement of Shelley Roberts follows:]

TESTIMONY OF SHELLEY ROBERTS

CHIEF EXECUTIVE OFFICER
IDAHO RURAL WATER ASSOCIATION

BEFORE THE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES

Chairman Simpson, Ranking Member Moran, and Members of the Committee, thank you for the opportunity to appear before you to discuss the Environmental Protection Agency's technical assistance and training that directly benefits rural America. I must also thank you for and your staff for all the support and guidance you have offered. My purpose in appearing before you is to simply emphasize the importance of providing grass roots small water systems training and technical assistance in carrying out the expanding requirements of the Safe Drinking Water Act. Currently, 92 percent of community water systems are located in communities of 10,000 or less population. When this initiative was authorized in the SDWA, it provided two alternative sources of funding. The first was an authorization for a \$15 million grant program. The source of this funding is in jeopardy because of the overall reduction in EPA funding. The second was the option for a 2% set aside from within the Drinking Water State Revolving Fund. This second option was included because of the conviction of Congress that it was important to fund the small systems assistance program as a core element within the overall law. We urge you to continue funding for the national program at the \$15 million authorization level.

In Idaho, as you are aware, we have 2,011 regulated water systems of which 1,800 serve less than 500 connections. There are similar comparisons in the other states. I have witnessed a direct correlation between this assistance and increased compliance and sustainable activities for the utilities in Idaho. In the long run, systems that are maintained and properly managed actually save the community and federal government money.

EPA regulations are the same for both small and large systems. Small utilities lack the financial resources and capacity of their urban counterparts. The primary onsite training and technical assistance that these systems receive comes from the small water system training and technical assistance program operated by state rural water associations and funded by this Committee. This program operates in nearly every county in the country and is available at no cost onsite to all small systems. The program was started in the 1977 EPA budget by a Congress that had just passed the SDWA that knew that small water systems could not comply without some peer based onsite training and technical assistance. The Idaho Rural Water Association was created to implement this program.

Currently, in Idaho's Second Congressional District, we have recently produced three additional source water protection plans. These plans, with local grassroots support, will provide for the protection of ground and surface water necessary for these rural communities to have sustainable, safe and clean water. The City of American Falls serves over 4,000 people and 14 of those wells are now protected. In the City of Driggs, there are 6 wells

protected that serve over 1,100 people. Also, Henry Fork's Village Water Company is in the process of implementing their plan which will protect 3 wells. In each case, runoff going into local streams is being managed and reduced.

Each Member of this Subcommittee has a state rural water association that assists small systems daily in your Congressional Districts. A record of these visits and the results are reported to your staff either monthly or quarterly by your state rural water association. This is the one EPA program that has daily beneficial impacts on the most environmentally vulnerable citizens of your state. Our TA and Source Water Protection programs are also the only EPA funded programs reporting a specific list of assistance provided with corresponding results to individual Members of Congress. A copy of the National Rural Water Association Report to Congress has been provided to each Committee Member.

Our citizens generally take clean, safe and affordable drinking water for granted. Most Americans don't realize the efforts and leadership that our state rural water associations ---our local utilities and community leaders--- and this Committee provide to protect and preserve this valuable public health resource. We are fortunate that we live in a country where we can drink water in literally any community within this large nation with confidence that it is safe.

We urge you to continue to fund this relatively small part of the EPA budget which is directed to implement a law that has daily impact on the overwhelming majority of water systems in Idaho and the other states.

Thank you Mr. Chairman and Ranking Member Moran. I look forward to the Subcommittee's questions.

Mr. SIMPSON. Thank you. I appreciate your testimony. You will find, I think, that this committee and I in particular have been very supportive of the work you do and the Rural Water Association is very important to us, and the difficulty we have, as you know, has been this earmark ban. It has always been looked at as an earmark in the past, and now trying to figure out how to fund it without having it labeled an earmark is the challenge that we are having in that, but we are working on it and I will try to make sure that we continue the funding for this program so that you can do the important work you do out in the rural communities. So I appreciate it very much.

Ms. ROBERTS. Yes, and we thank you for all your support.

Mr. SIMPSON. You bet. Thank you.

Next we have Dr. Anthony Szema, the Assistant Professor of Medicine and Surgery, Stony Brook School of Medicine. Welcome.

FRIDAY, APRIL 15, 2011.

ENVIRONMENTAL PROTECTION AGENCY

WITNESS

DR. ANTHONY M. SZEMA, ASSISTANT PROFESSOR OF MEDICINE AND SURGERY, SUNY STONY BROOK SCHOOL OF MEDICINE

Mr. SZEMA. Thank you, Congressman Simpson, for the invitation to testify. I am Dr. Anthony Szema, the Assistant Professor of Medicine and Surgery at the State University of New York at Stony Brook School of Medicine. My board certifications are in pulmonary diseases, critical care medicine, internal medicine and clinical adult and pediatric allergy and immunology, and my undergraduate degree is in industrial and management engineering from Rensselaer Polytechnic Institute in Troy, New York.

Between 2004 and 2009, I was an NIH K08 Mentored Clinical Scientist Award recipient, and although I am chief of the allergy section at the Northport Veterans Affairs Medical Center in Northport, New York, I am testifying today on behalf of the American Thoracic Society, which is an independently incorporated international education and research scientific society focusing on respiratory, critical care and sleep medicine. The American Thoracic Society has 14,000 members who help prevent and fight respiratory disease around the globe through research, education, patient care and advocacy initiatives. It was founded in 2005, and we want to decrease morbidity and mortality—death—from respiratory diseases, life-threatening acute illnesses and sleep-related breathing disorders. So as such, we have a keen interest in the impact that the Environmental Protection Agency's regulatory enforcement actions have on public health.

I have four points. First is the EPA's standard-setting power plant air toxic rule. The EPA is in the process of setting a number of important public health standards under the auspices of the Clean Air Act. Most recently, the EPA released a proposed rule that will for the first time address toxic air pollution released from coal- and oil-fired power plants. The proposed rule will remove tons of toxic pollutants including mercury, lead, nickel, dioxins and acid gases from the air we breathe. All are known to have immediate

and long-term health effects including health effects of children. Today, more than 60 percent of power plant operators have acted responsibly and installed pollution control equipment to reduce these toxic emissions. The proposed rule will require all power plants to install readily available, modern pollution control technology by 2016. The American Thoracic Society strongly supports this proposed rule and urges Congress to allow the EPA to move forward with implementation of the Power Plant Air Toxic Rule.

Number two: EPA standard-setting on ozone and particulate matter. The American Thoracic Society expects the Obama Administration to release two additional important public health standards that will address ozone and particulate matter air pollution. Both these pollutants are regulated by the Clean Air Act and have a significant impact on our Nation's health. Hundreds of studies have demonstrated that exposure to ozone and particulate matter air pollution is bad for your health. These pollutants cause premature death, asthma attacks, chronic obstructive pulmonary disease exacerbations, ischemic heart disease exacerbations, emergency room visits, missed school and work days, and as a dentist, you know periodontal disease associated with cigarette smoking. There is conclusive research that demonstrates that the current EPA standard for ozone and particulate matter need to be tightened. We at the American Thoracic Society urge the subcommittee to recognize this important body of work and provide the EPA with the resources it needs to issue and enforce revised standards for ozone and particulate matter air pollution.

Number three: EPA National Ambient Air Quality Standards monitoring. In addition to establishing standards for air pollution limits, the EPA is also charged with developing and maintaining a network of monitors which measure the level of pollution in our Nation's air. Unfortunately, we know the current monitoring is inadequate. There are not enough monitors to accurately gauge air pollution associated with highways and other areas that are congested with automobiles and this means we are underestimating the air pollution to which we are exposed and hence underappreciating the risk that air pollution poses to America's health. Fortunately, there are new technologies available including satellite monitoring, which can greatly enhance the accuracy and comprehensiveness of the EPA's monitoring efforts. The American Thoracic Society strongly urges Congress to provide the EPA with the funding necessary to evaluate and revamp its current clean air pollution monitoring network.

Number four: EPA and climate change. The American Thoracic Society is disappointed in the direction that Congress is headed when it comes to issues related to climate change. Our children and grandchildren will pay the price for Congress's inability to address climate change. Climate change will bring severe adverse human health effects. Research has demonstrated the spread of malaria to higher elevations due to rising temperatures. Studies have demonstrated that high concentrations of carbon dioxide, or CO₂ gas, from higher temperatures and a length in spring season will mean a more severe prolonged allergy season, including those with allergic asthma. High temperatures will also increase heat-related deaths in both major cities and rural areas. The EPA has

composed reasonable policies that would begin to address climate change. If Congress attempts to remove, delay or circumscribe the EPA's authority to address this significant public health issue, the American Thoracic Society would like to send a univocal, unambiguous message that obstructionism will only increase the problem and add to the toll on human health and raise the economic cost associated with addressing climate change. We at the American Thoracic Society also believe that the success of the EPA Clean Air Act holds valuable lessons for Congress and the EPA as well as both bodies should consider how to deal with climate change. The technology used to reduce traditional pollutants like ozone and particulate air matter can also be used to address greenhouse gas emissions.

The American Thoracic Society continues to play an active role in addressing global climate change, and in May 2010 the organization hosted a workshop on the respiratory health effects of global climate change chaired by Dr. William Ron of New York University. We expect the workshop report to be finished shortly, and will provide, number one, guidance to the known and likely respiratory health effects of climate change, and number two, pose valuable research questions to further our understanding of how climate change is impacting human health.

Congressman Simpson, respectfully, on behalf of the American Thoracic Society, I appreciate the opportunity to comment on the fiscal year 2012 budget of the Environmental Protection Agency before you and Congressman Moran on the Committee of Appropriations, Subcommittee on Interior, Environment, and Related Agencies.

[The statement of Anthony M. Szema follows:]



**Statement of the
American Thoracic Society
Presented by Anthony Szema MD
before the U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2012
U.S. Environmental Protection Agency
April 15, 2011**

Summary: Funding Recommendations (Dollars in Millions)

U.S. Environmental Protection Agency	
Taking Action on Climate Change and Improving Air Quality	\$1,103.9
• Federal Stationary Source Regulation	\$34.1
• Federal Support of Air Quality Management	\$141.4
• Clean Air Allowance Trading Program	\$30.6
• Federal Vehicle and Fuels Standards	\$100.6
• Climate Protection Program	\$127.8
• State and Local Air Quality Management (STAG)	\$305.5
◦ Air Monitoring	\$15.0
• Diesel Emission Reductions	\$50.0
Human Health Risk Assessment	\$45.7
Reducing Risks from Indoor Air	\$20.8
Indoor Air: Radon Program	\$5.8
Research: Air, Climate and Energy	\$108.0

I am Dr. Anthony Szema, an assistant professor of medicine and surgery at the State University of New York at Stony Brook School of Medicine. My board certifications are in: pulmonary diseases, critical care medicine, internal medicine, and clinical adult and pediatric allergy and immunology. Today I am speaking on behalf of the American Thoracic Society (ATS), an independently incorporated, international education and scientific society, which focuses on respiratory, critical care and sleep medicine. The American Thoracic Society's 14,000 members help to prevent and fight respiratory disease around the globe through research, education, patient care and advocacy initiatives. Founded in 1905, the American Thoracic Society's long-range goal is to decrease morbidity and mortality—death—from respiratory diseases, life-threatening acute illnesses, and sleep-related breathing disorders. As such, we have a keen interest in the impact that the Environmental Protection Agency's regulatory and enforcement actions have on public health.

All lung diseases are impacted by air pollution. How well or poorly our lungs perform is contingent on the quality of the air around us, making the impact of air pollution inescapable. Air pollution remains a primary contributor to the prevalence of respiratory diseases in the United States—and worldwide.

For over 100 years, the American Thoracic Society has conducted scientific, public health, and educational programs to fight air pollution and improve the quality of the air

that we breathe. We remain strong supporters of the Clean Air Act and its amendments. We can attest to the significant impact that the Clean Air Act has had in improving the quality of our nation's air.

Efforts to combat air pollution have had an impact on both public health and health expenditures in the United States. The EPA recently released a report noting that the Clean Air Act yields \$30 in savings for everyone \$1 spent to control air pollution. In 2010, the Clean Air Act prevented: 160,000 premature deaths; 1.7 million asthma attacks; 86,000 emergency room visits; and 130,000 heart attacks. This EPA report builds on a similar cost-benefit analysis done by the Office of Management and Budget during President George W. Bush's Administration, which calculated that the Clean Air Act's provisions benefited public health and the U.S. economy.

While the economic story of the Clean Air Act is impressive, it is the human story which matters most. For every heart attack prevented, and for every asthma attack averted, this not simply means fewer economic demands on our nation's healthcare system, but it also means—most importantly—that somebody's loved one is alive, healthy, and still a productive part of our country.

While the Clean Air Act has made great strides, much remains to be done. It is estimated that one in 10 Americans live in areas that consistently violate EPA standards for ozone and particulate matter pollution, while nearly one-third of Americans live in areas that have incurred periodic violations for short-term ozone. The health complications caused by air pollution exposure are responsible for the premature deaths of thousands of people each year.

Regarding EPA & Research Funding

Air pollution has an adverse impact on the health of all Americans. The good news is that, as a direct result of the Environmental Protection Agency's actions, America's air is cleaner today, than it was in previous years. Our scientific understanding of air pollution has advanced and now we more fully comprehend the pernicious effects of air pollution at even lower levels. In addition to higher death rates among people with cardiovascular and respiratory diseases, research has also shed light on more subtle health effects influenced by air pollution, such as: lower birth weight and loss of IQ points.

Continued research on the health effects of air pollution is essential for many reasons:

1. it helps parents understand how air pollution may impact children with asthma;
2. it is essential for clinicians trying to manage patients with chronic respiratory diseases; and
3. it is essential to help guide EPA staff and the EPA Administrator to set the National Ambient Air Quality Standards (NAAQS) at the appropriate level to protect public health.

In order to sustain these critical research efforts, the American Thoracic Society recommends an increase in funds for the EPA Office of Research and Development to support research-related programs that focus on clean air.

1. EPA Standard Setting: Power Plant Air Toxic Rule

The EPA is in the process of setting a number of important public health standards under the auspices of the Clean Air Act. Most recently, the EPA released a proposed rule that will, for the first time, address toxic air pollution released from coal and oil fired power plants. The proposed rule will remove tons of toxic pollutants—including mercury, lead, nickel, dioxins and acid gases—from the air we breathe. All are known to have both immediate and long-term health effects, especially in children. Today, more than 60% of power plant operators have acted responsibly and installed pollution control equipment to reduce these toxic emissions. The proposed rule will require all power plants to install readily-available, modern pollution control technology by 2016. The American Thoracic Society strongly supports this proposed rule and urges Congress to allow the EPA to move forward with implementation and enforcement of the Power Plant Air Toxic Rule.

2. EPA Standard Setting: Ozone and Particulate Matter

The American Thoracic Society expects the Obama Administration to release two additional important public health standards that will address ozone and particulate matter pollution. Both these pollutants are regulated by the Clean Air Act and have a significant impact on our nation's health. Hundreds of studies have demonstrated that exposure to ozone and particulate matter air pollution is bad for your health. These pollutants cause: premature death, asthma attacks, Chronic Obstructive Pulmonary Disease (COPD) exacerbations, ischemic heart disease hospitalizations, emergency room visits and missed school and work days. There is conclusive research that demonstrates that the current EPA standards for ozone and particulate matter need to be tightened. We, at the American Thoracic Society, urge the subcommittee to recognize this important body of work and provide the EPA with the resources it needs to issue and enforce revised standards for ozone and particulate matter air pollution.

3. EPA & National Ambient Air Quality Standards (NAAQS) Monitoring

In addition to establishing standards for air pollution limits, the EPA is also charged with developing and maintaining a network of monitors which measure the level of pollution in our nation's air. Unfortunately, we know the current monitoring network is inadequate. There are not enough monitors to accurately gauge air pollution associated with highways and other areas that are congested with automobiles. This means that we are underestimating the air pollution to which we are exposed, and hence, underappreciating the risk that air pollution poses to America's health. Fortunately, there are new technologies available—including satellite monitoring—which can greatly enhance the accuracy and comprehensiveness of the EPA's monitoring efforts. The American Thoracic Society strongly urges Congress to provide the EPA with the funding necessary to evaluate and revamp its current clean air pollution monitoring network.

4. EPA & Climate Change

The American Thoracic Society is disappointed in the direction that Congress is headed when it comes to issues related to climate change. Our children and grandchildren will "pay the price" for Congress's inability to address climate change.

Climate change will bring severe adverse human health effects. Research has demonstrated the spread of malaria to higher elevations due to rising temperatures. Studies have documented that higher concentrations of carbon dioxide or CO₂ gas from higher temperatures and a lengthened spring season will mean a more prolonged severe pollen season for patients with allergies, including allergic asthma. Higher

temperatures will also increase heat-related deaths in both major U.S. cities and rural areas.

The EPA has proposed reasonable policies that would begin to address climate change. If Congress attempts to remove, delay, or circumscribe the EPA's authority to address this significant public health issue, the American Thoracic Society would like to send a univocal, unambiguous message that obstructionism will only increase the problem, add to the toll on human health, and raise the economic cost associated with addressing climate change.

We, at the American Thoracic Society, also believe that the success of the EPA Clean Air Act holds valuable lessons for Congress—and the EPA—as both bodies consider how to deal with climate change. The technology used to reduce traditional pollutants like ozone and particulate matter can also be used to address greenhouse gas emissions.

The American Thoracic Society continues to play an active role in addressing global climate change. In May 2010, the organization hosted a workshop on the "Respiratory Health Effects of Global Climate Change" chaired by Dr. William Rom from New York University. We expect the workshop report to be finished shortly and will: 1) provide guidance on the known and likely respiratory health effects of climate change, and 2) pose valuable research questions to further our understanding of how climate change is impacting human health.

On behalf of the American Thoracic Society, I appreciate the opportunity to comment on the FY2012 budget for the Environmental Protection Agency before you, and Honorable Members of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. Thank you.

Mr. SIMPSON. Thank you for your testimony. My guess is, just offhand, I do not know this, but my guess is just offhand, you guys did not like the dump truck of H.R. 1. Thank you for your testimony. We appreciate it.

Do you have anything, Mr. Moran?

Mr. MORAN. No.

Mr. SZEMA. Clean air is good, dirty air is bad.

Mr. SIMPSON. Our next witness is Ryan Schmitt, Chairman of the Board of the National Utility Contractors Association.

FRIDAY, APRIL 15, 2011.

ENVIRONMENTAL PROTECTION AGENCY

WITNESS

RYAN SCHMITT, CHAIRMAN OF THE BOARD, NATIONAL UTILITY CONTRACTORS ASSOCIATION (NUCA)

Mr. SCHMITT. Chairman Simpson, Ranking Member Moran and honorable members of the subcommittee who are here in spirit, my name is Ryan Schmitt. I am the President of Petticoat-Schmitt Civil Contractors in Jacksonville, Florida. Our company does water and sewer projects throughout northeast Florida and southeast Georgia. I appreciate the opportunity to participate in this hearing on behalf of NUCA. NUCA is the oldest and largest national trade association, representing the utility construction and excavation industries. NUCA also serves as the chair of the Clean Water Coalition, a coalition of 37 organizations representing contractors, designers, suppliers and manufacturers, labor and other organizations who support sound environmental infrastructure.

I am here today to convey NUCA's support for the inclusion of \$3.5 billion for the EPA's State Revolving Fund programs in the fiscal year 2012 Interior/Environment appropriations measures. Specifically, we ask the subcommittee to include \$2.1 billion for the Clean Water SRF and \$1.4 billion for the Drinking Water SRF. These investment levels would restore the fiscal year 2010 levels and would provide critical funding for these economically sound programs in a time when our country is in dire need of increased infrastructure investment.

The construction industry continues to face the highest unemployment rates than any other industry sector. The Bureau of Labor Statistics report for March indicated unemployment in construction is now over 20 percent and over 2 million construction workers out of work. My home State of Florida has lost 350,000 construction jobs in the last five years, which represents over 52 percent of the available construction workforce. This staggering statistic has drastically affected the overall economy of our region, and this alleged turnaround that some people speak of is nowhere to be seen and we do not see it coming. It is very discouraging to continually report to my employees that we have got no upcoming work on the books.

Although SRF projects are recognized for their success in enhancing public health and environmental protection, it is their economic benefits that are largely overlooked. Clean water projects help the economy by creating jobs, generating economic activity

and expanding the local tax base. It is important to note that the jobs offered in this industry are good, high-paying jobs that are provided right here in America. These cannot be shipped overseas.

In 2009, the Clean Water Council released a study on job creation and enhanced economic activity that comes with investment in water and wastewater. The study, titled "Sudden Impact," which I have right here, shows that a \$1 billion investment in water and sewer projects results in one, the creation of 27,000 new jobs with average annual earnings of over \$50,000; two, total national output for demand of products and services in all industries with \$3.46 billion; three, personal household income between \$1.01 and \$1.06 billion; and lastly, approximately \$82.4 million in local and state tax revenue.

The need to invest in America's underground environmental infrastructure is well known, clearly documented and has broad support. According to the EPA, \$298 billion is needed in the next 20 years to support America's need for wastewater infrastructure and \$334 billion over the same time period is needed for the drinking water infrastructure.

You know, what is out of sight and out of mind to most people is clearly visible to NUCA members like myself, and the view from the trenches is not pleasant. Right now, my company is working on a water and sewer project just outside of downtown Jacksonville, and we happen to be working in front of a very nice restaurant, a restaurant you might visit you were dining with our mayor, as he likes to frequent this organization.

Mr. SIMPSON. Not anymore.

Mr. SCHMITT. As you can see from those pictures, in this section of pipe, a water pipe, mind you, that was taken out of service that provided water to that restaurant, there was over one inch of tuberculated material built up in that existing water line.

Now, fortunately, the patrons have been safe because this fine restaurant put in a filtration system for their water. However, why is it in a developed country that we have got to filter our water systems and why do countless American families who cannot afford a filtration system have to work from tuberculated water mains? Well, the answer is, they do not have to. A robust SRF program can provide the drinking water and wastewater systems that Americans deserve. A healthy SRF plays a key role in enhancing public health, safety, protecting the environment and maintaining a strong economic base. Currently, the SRF programs face just under a \$1 billion cut in the 2011 Continuing Resolution and many in Congress are calling for reinstating the 2008 spending levels next year. That would mean almost \$2 billion would be cut from the SRF program over two years. That is a 67 percent reduction in the Clean Water SRF and a 40 percent cut to the Drinking Water SRF since 2010. To that end, NUCA strongly encourages the subcommittee to include \$2.1 billion and \$1.4 billion to the Clean Water SRF and Drinking Water, SRF, respectively.

Thank you for the opportunity to submit testimony for the record.

[The statement of Ryan Schmitt follows:]



Written Testimony
by

Ryan Schmitt
President,
Petticoat-Schmitt Civil Contractors, Inc

&

Chairman of the Board
NUCA, Representing Utility and Excavation Contractors

before the

House Subcommittee on Interior, Environment,
and Related Agencies

addressing

Fiscal 2012 Appropriations: Interior and Environment

April 15, 2011

NUCA, Representing Utility and Excavation Contractors

11350 Random Hills Road, 8th floor • Fairfax, VA 22030 • (703) 358-9300 • www.NUCA.com

Chairman Simpson, Ranking Member Moran, and Honorable Members of the Subcommittee, my name is Ryan Schmitt. I am the president of Petticoat-Schmitt Civil Contractors, Inc., in Jacksonville, Florida. We have approximately 30 employees who work on water, sewer, drainage, roadway and other infrastructure projects throughout the northeast Florida and Southeast Georgia region.

I appreciate the opportunity to participate in this hearing on behalf of NUCA, representing utility and excavation contractors. NUCA supports the inclusion of \$3.5 billion for the Environmental Protection Agency's (EPA) State Revolving Fund (SRF) programs in the FY 2012 Interior/Environment appropriations measure. Specifically, we ask that the subcommittee include \$2.1 billion for the Clean Water SRF and \$1.4 billion for the Drinking Water SRF. These investment levels would restore FY 2010 SRF funding levels and would provide critical funding for these economically sound programs at a time when the country is in dire need of increased infrastructure investment.

The oldest and largest national trade association working solely for the excavation and utility construction industry, NUCA has a nationwide network of chapters and represents company members that provide the workforce and materials to advance the water, sewer, gas, electric, telecommunications, excavation and construction site development industries across the country.

NUCA also serves as chair of the Clean Water Council (CWC), a coalition of 37 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life. For your reference, a list of CWC members is attached to this testimony.

A SOUND INVESTMENT IN CRITICAL ECONOMIC TIMES

It is no secret that the construction industry is facing huge economic challenges. In fact, the construction industry continues to face higher unemployment rates than any other industry sector. The Bureau of Labor Statistics (BLS) report for February indicated that unemployment in construction is now 21.8%. There are now nearly 2 million construction workers out of work.

In Florida we continue to face what we refer to as the "destruction of construction." My state has shed over 350,000 construction jobs in the past five years, which represents 52% of the entire available workforce. This staggering statistic has drastically affected the overall economy of our region and despite the "alleged" turnaround in the overall economy that some people speak of; we see no improvement now, nor do we see any coming. It's very discouraging to continually report to my employees that we have no upcoming work on the books.

Although SRF projects are recognized for their success in enhancing public health and environmental protection, the *economic* benefits that result from this work are often overlooked. Clean water projects help maintain a strong economic foundation by creating jobs, generating significant economic activity and expanding the local tax base. It's important to note that the jobs offered in this industry are good, high-paying jobs that are provided right here in America. These are not jobs that can be shipped overseas.

One need look no further than the stakeholders represented in the Clean Water Council to see the direct and indirect jobs that are created with SRF funding. Contractors and subcontractors, engineers, suppliers and manufacturers, as well as countless construction laborers, all benefit from work that impacts virtually all sectors of our society. And, the economic benefits resulting from these projects don't stop with the construction industry. Clean water increases community productivity through the influx of new residents and businesses resulting from revitalized neighborhoods.

In 2009, the CWC released a new study on the job creation and enhanced economic activity that comes with investment in water and wastewater infrastructure projects. The study, titled *Sudden Impact: Assessment of Short-Term Economic Impacts of Water and Wastewater Projects in the United States*, shows that a \$1 billion investment in water and wastewater infrastructure results in:

- the creation of up to 27,000 new jobs with average annual earnings for the construction portion of the jobs at more than \$50,000;
- total national output (i.e., demand for products and services in all industries) of between \$2.87 and \$3.46 billion;
- personal (household) income of between \$1.01 and \$1.06 billion; and
- approximately \$82.4 million in state and local tax revenue.

Of particular note, each of these economic impacts occurs during and immediately after project construction. Significant supplementary economic benefits will also accrue in the future, decades-long service life of each facility when repair and maintenance activities are conducted on these systems. In both the short-term and long-term, economic benefits ripple through local economies from manufacturers to distributors to construction laborers, and countless other industry sectors. In fact, the CWC study found that investment in water and wastewater infrastructure creates measurable employment in 325 other standard industry classifications. Copies of the *Sudden Impact* are available to any and all members of the subcommittee upon request.

AMERICA'S DECAYING ENVIRONMENTAL INFRASTRUCTURE

The need to invest in America's underground environmental infrastructure is well known, clearly documented, and has broad support. According to the EPA \$298.1 billion in investment is needed over the next 20 years to address America's wastewater infrastructure needs, and \$334 billion in investment is needed over the same time period for drinking water infrastructure improvements.

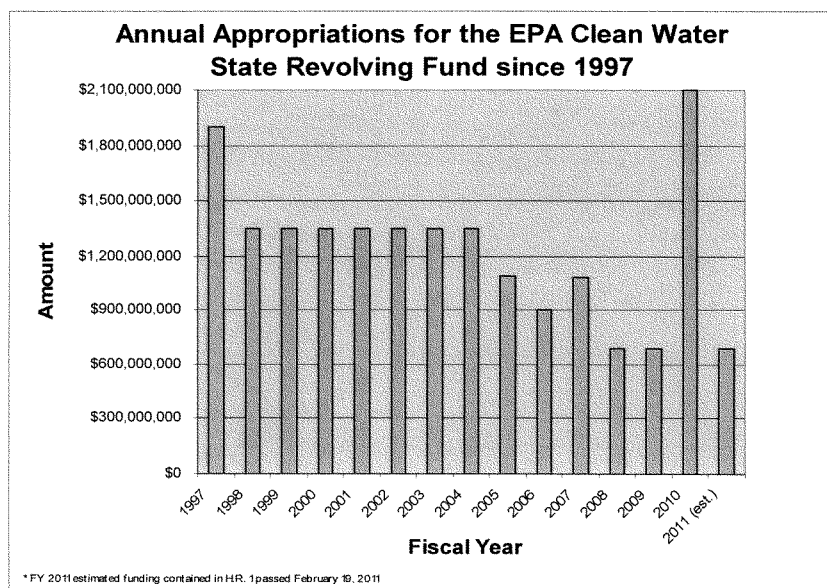
What is out of sight and out of mind to most people is clearly visible to NUCA members every day, and the view from the trenches isn't pretty. We routinely uncover rotting pipes with gaping holes that spill raw sewage into the surrounding ground of residential neighborhoods. This leakage can go undetected for months, even years in some cases. To make matters worse, these conditions are often within yards of waterways where we fish, beaches where we swim, and playgrounds where our children play.

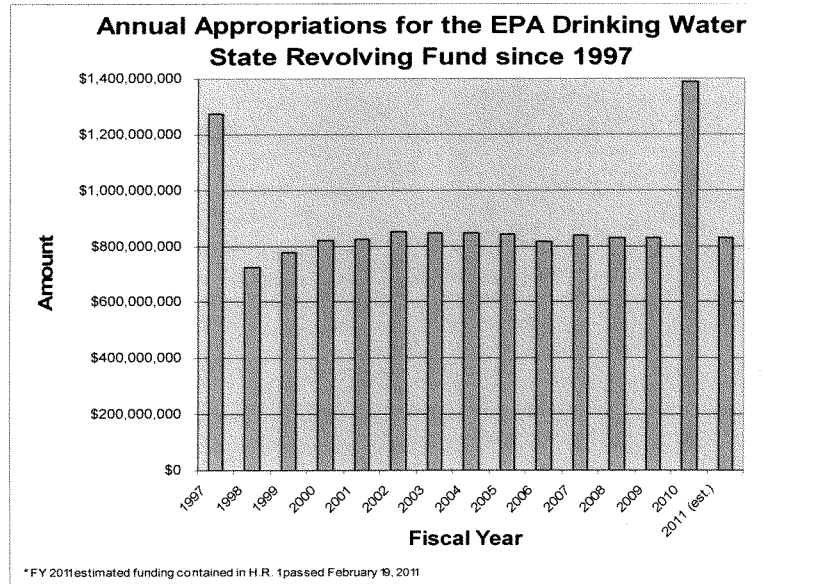
One might think that Florida is too new of a state to have much failing infrastructure. Let me tell you, failing sewer systems and corroded water mains show no geographical bias. Right now, my company is working on replacing water and sewer main on a road project just outside of downtown Jacksonville. We also just happen to be working in front of one of the more exclusive

restaurants in town, a restaurant you might choose if you were visiting my city and dining with our mayor, as he often frequents this establishment. I can tell you first hand that the water main we replaced going to that restaurant had over 1" of tuberculation within the pipe. It was enough to permanently ruin your appetite for fine dining. Fortunately, if you dined there before we replaced the water main, you would have been safe because this first-rate restaurant uses a filter system for their water. However, why is it that, as a developed country, we have to filter the water that comes out of our potable water systems? Why do countless American families who can't afford a filtration system have to drink from tuberculated water mains?

Existing water and wastewater infrastructure continues to age and the number of incidents of water and sewer system failures continues to rise. Federal capital investment is being sustained, but is grossly inadequate to meet the growing needs. This financial gap will only get worse unless a firm commitment is made and increased federal resources are provided to needy communities. Moreover, the current lack of adequate funding unintentionally widens the investment gap by sending the implicit message that our nation's environmental infrastructure is not a national priority.

NUCA and the CWC have taken the lead for years in advancing a host of legislative efforts to begin to address the skyrocketing water/wastewater infrastructure needs facing our nation. Our focus in recent years has been on increasing annual appropriations for the SRF programs and on reauthorizing them at significantly higher funding levels.





The above charts show the direction federal funding for the SRF programs have taken in recent years. As you can see, FY 2010 was a turning point in the right direction, but unfortunately, SRF investment levels are again heading in the wrong direction.

CONCLUSION

Insightful lawmakers have referred to utility and excavation contractors as “true environmentalists.” Those in our industry are the individuals getting their boots dirty installing and repairing the infrastructure that helps make our lakes and rivers safe for public use. A robust SRF program enables our industry to do just that. These programs play a key role in enhancing public health and safety, protecting the environment and maintaining a strong economic base.

The fate of America’s water quality is in your hands. This subcommittee has the opportunity to change the perilous direction federal investment in the SRF programs have taken. NUCA strongly encourages the subcommittee to include \$2.1 billion and \$1.4 billion to the Clean Water SRF and Drinking Water SRF, respectively.

Thank you for the opportunity to submit testimony for the record.

	American Concrete Pavement Association		Laborers' International Union of North America
	American Concrete Pipe Association		Mason Contractors Association of America
	American Concrete Pressure Pipe Association		NAIOP
	American Council of Engineering Companies		National Association of Sewer Service Companies
	American Public Works Association		National Association of Women in Construction
	American Rental Association		National Precast Concrete Association
	American Road and Transportation Builders Association		National Ready Mixed Concrete Association
	American Society of Civil Engineers		National Society of Professional Engineers
	American Subcontractors Association		National Stone, Sand and Gravel Association
	American Supply Association	http://www.nsga.org/	
	Associated Equipment Distributors		NUCA
	Associated General Contractors of America		Plastics Pipe Institute
	Association of Equipment Manufacturers		Plumbing-Heating-Cooling Contractors Association
	Construction Management Association of America	http://www.cement.org/	
	Ductile Iron Pipe Research Association		Portland Cement Association
	Interlocking Concrete Pavement Institute		Uni-Bell PVC Pipe Association
	International Union of Operating Engineers	http://www.vi-nvinfo.org/	
			The Vinyl Institute
			Water and Sewer Distributors of America
			Water and Wastewater Equipment Manufacturers Association



Laborers-Employers Cooperation
and Education Trust

Clean Water Council

Mr. SIMPSON. Thank you for your testimony. We appreciate it very much. Surprisingly, I agree with what you said. The problem is, we have the dual problems of infrastructure needs throughout this country and not just water and sewer, but I have given the speech many times—it would take too long to give it now—but locks and dams and harbors and inland waterway maintenance, the grid system, roads and bridges, our whole infrastructure is crumbling and we have to do something about it, and we have got to find a better way to fund it. That is what I have been working on with some other members, how are we going to fund this in the future.

Actually, when you look at the needs, a \$1 billion cut is barely a dent in the overall needs. We have got to find a better way to address it in the future so that we have the resources to address this kind of stuff, and the reason the public does not cry out about this is that nobody thinks about it when they turn on their water tap and water comes out. They never think about how it gets there. Nobody ever thinks about what happens when they flush their toilet. So it is a big problem. I think it is the biggest challenging facing the country in the future, to tell you the truth. So I appreciate your testimony.

Mr. SCHMITT. Yes, I concur. The EPA is talking about \$35 million a year and here we are talking about, you know, \$3.5 billion a year.

Mr. SIMPSON. That is right.

Mr. SCHMITT. It is a huge spread.

Mr. SIMPSON. Yes, that is right. I appreciate it.

Mr. SCHMITT. Thank you for your support.

Mr. SIMPSON. Jim.

Mr. MORAN. I agree with the chairman very much. It does occur to me that so many people do not mind paying \$2 for a plastic bottle of bottled water when a very modest assessment on the water that they pay for from the municipal sources would enable us to rebuild our infrastructure, which is in drastic need. I do not know why we do not do that. What we have, of course, is a revolving fund. The municipalities borrow that money from the state fund and then pay it back. I said on the Floor yesterday, it is beyond me why these governors, some of them, were so critical of federal spending and support of our cuts and the revolving funds and yet it is money out of their pockets that is desperately needed to rebuild our water infrastructure. Just as we need our plumbing in our own home to be working functionally, the public's plumbing under the ground needs to be working functionally as well. This is a devastating picture, but I suspect it is not all that unique.

But I agree with the chairman. We have got to figure out a better way of financing. Thank you very much for your testimony.

Mr. SCHMITT. Thank you.

Mr. SIMPSON. Thank you.

Our next witness is Richard Oppen, President and Director of the Environmental Council of the States, Montana Department of Environmental Quality. Is that right?

Mr. OPPEN. That is correct.

Mr. SIMPSON. Thank you.

Mr. OPPEN. Good morning, Mr. Chairman.

Mr. SIMPSON. How is the weather in Montana?

Mr. OPPER. It is not as much of a springtime as I am experiencing here.

Mr. SIMPSON. Imagine that.

Mr. OPPER. I am finally starting to thaw out, Mr. Chairman.

FRIDAY, APRIL 15, 2011.

ENVIRONMENTAL PROTECTION AGENCY

WITNESS

RICHARD OPPER, PRESIDENT/DIRECTOR, ENVIRONMENTAL COUNCIL OF THE STATES, MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Mr. OPPER. Good morning to you, and good morning, Representative Moran, and thank you for having me here, and as you said, I am here to testify on behalf of the states and territorial environmental agencies that are members of ECOS, the Environmental Council of States, and I am lucky to be the Director of the Montana Department of Environmental Quality. I often say Montana is the most beautiful state in the country, but you being from Idaho, you might take some exception to that.

Mr. SIMPSON. A little bit.

Mr. OPPER. And I do not want to get off on the wrong foot.

Mr. MORAN. The only other guy I have heard say that is Rep. Rechberg.

Mr. SIMPSON. Montana is a gorgeous, gorgeous state, and I have never understood why on the eastern part of our State of Idaho they did not just take that line and go straight north.

Mr. MORAN. There you go.

Mr. OPPER. There actually is a story about that.

Mr. SIMPSON. I know. I know there is.

Mr. OPPER. The story being that we bought off the surveyors with a lot of alcohol.

Mr. MORAN. Is that a true story?

Mr. OPPER. Well, I do not know if it true or not but I am sure spreading it, and I have heard it many times.

Mr. MORAN. It is a gorgeous state, but Idaho is too.

Mr. SIMPSON. They thought they were on the continental divide and they missed it.

Mr. OPPER. They missed it, and they missed it because they were drunk, so you know what the currency is in my state. I think I digress.

I just have two points to make. They are fairly simple. One is that I think you should understand that what seems to you perhaps like cuts to EPA very often translate to cuts to the states instead. In fact, in the past we have seen as much as 105 percent of the cuts that Congress imposed on EPA came out of the portion of EPA's budget that goes to the States. Now, this current EPA has shown a willingness to share some of that pain in the budget cuts. They are absorbing some themselves, to their credit, but still, the bulk of the cuts that you impose on EPA tend to go to the states.

The second point I want to make is, if you want to get the best environmental protection for the fewest number of dollars, you

need to make sure that EPA can continue to fund the states to do their work, and I will explain very briefly here. So the money that you allocate to EPA really goes into a couple of pots. Some of it goes directly to EPA to fund that agency's work. Another portion of it, it varies from year to year, but it is less than half, does go to the states to enable them to do their work. As we have heard, the State and Tribal Grants program, STAG money that goes to the states really is divided into two different areas. Some of it goes into the SRF program so that we can invest in infrastructure, the kind we discussed earlier for drinking water and wastewater facilities, usually in the form of low-interest loans. The other portion of EPA's STAG budget that goes to the states is for the categorical grants that pays the states to oversee the programs that are delegated to us from the Federal Government from EPA.

So, again, it is important that this categorical grant portion of EPA's budget be maintained so the states can do their work. The states do almost all of the permitting, they do almost all of the enforcement, inspections, data collection for EPA. We do almost all of it, and we do it for a reason. We do it because we are better, we are cheaper and faster than the Federal Government, and I think everybody acknowledges that including EPA. That is why they delegate so many of their programs to us. A typical federal employee makes about 50 percent more than a state employee who has similar qualifications, does the same kind of work, which begs the question, why am I working for the state. I do not know. Also, the state through their fee programs, through their general fund tend to pay about 80 percent of the programs and 20 percent comes from the Federal Government. That is a typical state. So what this means is, there are some states that are thinking of giving programs back to the Federal Government. Idaho is one of them actually. Montana has given a program back to EPA and we saw some disastrous results, which I could tell you about if we had more time. But the Federal Government really cannot afford to take these programs back because the states contribute so much. If we give it back to the Federal Government, it is going to cost the Federal Government five to six times as much to run these programs as it costs the states. It is not efficient. We are a bargain.

So I am going to cut this a little bit short. You know, I am happy to answer any questions for you. The states for some reasons I cannot explain at this point for the next couple of years are probably able to absorb cuts to the SRF program or the STAG grant. The states are more able to do that than they are able to absorb cuts to the categorical grants. Any more cuts to the categorical grants are going to come at an expense to the environment. That is an important point you need to understand.

Anyway, I am here to urge you to adopt EPA's 2012 budget for the sake of efficiency, for the sake of prudent management and for environmental protection. It is a good budget when it comes to the categorical grants. So that is all I have, and I am certainly available to answer any questions.

[The statement of Richard Opper follows:]

The Environmental Council of the States
 Subcommittee on Interior, Environment and Related Agencies
 U.S. EPA Budget

Summary: The states are co-regulators with the U.S. Environmental Protection Agency (EPA) in the implementation of the nation's environmental laws. States implement nearly all federal environmental regulations that EPA is eligible to delegate to them, including the permitting, inspections, enforcement, monitoring, and data collection. Congress provides about 20% of the cost to a state through "categorical grants" portion of the STAG budget within EPA's budget, but this amount has declined while EPA has added many new rules for states to implement. We recommend that the Committee and the House pass the EPA 2012 budget proposal for the categorical grants portion of STAG.

For more information please contact:

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Testimony: I am testifying on behalf of the leaders of the state and territorial environmental agencies that are the members of the Environmental Council of the States (ECOS). I am the current President of ECOS, and the director of Montana's Department of Environmental Quality.

The states' environmental agencies operate nearly all of the permitting, inspections, enforcement, monitoring, and data collection, (and some of the standard setting as well) on behalf of EPA, through the system commonly called "delegation." EPA has delegated to states as of April, 2011: 50 of the 50 state air programs, 49 of the 50 state drinking water programs, 46 of the 50 state water permitting programs, and 48 of the 50 hazardous waste programs¹. States also operate many other smaller programs on behalf of EPA, such as radon, lead abatement, beaches, pesticides, etc.

ECOS research shows that the states pay about 80% of the cost of running these delegated federal programs. In a typical state about 20% of the funds spent to implement a delegated program come from the categorical grants portion of STAG, about 18% from the state general fund, and the other 62% from permit fees or dedicated state funds². In recent years, the state general fund portion and the categorical grant portion has declined. The total amount of categorical grants (i.e., federal) funding provided to the states to implement federal laws has declined since 2004 from \$1.176 billion to \$1.116 billion. ECOS research shows that the average

¹ *Delegation by Environmental Act*, ECOS, November 2010. http://www.ecos.org/section/states/enviro_actlist

² *Status of State Environmental Agency Budgets, 2009-2011*, by Brown and Fishman, ECOS, August 2010, page 6.

state environmental agency budget decreased from \$4.489 billion in 2009 to \$3.882 billion in 2011 as well³.

During the period of funding decline, the federal government continued to ask states to implement new or highly modified environmental laws. States rarely oppose these requests. However, the combination of a declining funding base and a constantly increasing workload (discussed in more detail below) greatly increases the likelihood that environmental programs will not protect the public as intended, in spite of the best efforts of the states and EPA. States are forced to choose which rules they will implement, whether (or when) a permit will be issued, or an inspection conducted, or a response given to a complaint from the public, or a monitoring station closed. Eventually, no state can simultaneously meet all the expectations on all the rules when budgets are consistently reduced year after year and the number of new rules to be implemented continues to increase year after year.

ECOS has discussed this situation extensively with EPA. As the agency was beginning to develop its proposal, the staff met with ECOS leadership who presented the “2012 State Statement of Needs.”⁴ This document provided details about the federal workload to states and provided the states’ assessment of the budget needed to address EPA’s requests. For 2012, this amounted to nearly \$2.5 billion from categorical grants – well above 2010’s allocation of \$1.1 billion. While EPA did not ultimately ask for that amount in its proposal, based on its budget proposal for 2012 we believe that EPA agrees with the states that declining federal support for categorical grants cannot continue. In its 2012 proposal the Agency proposes a 7.6% increase for categorical grants. The state environmental agencies support this budget request and encourage the Committee to adopt it.

We note that nearly every state has reduced its budget since 2008, and that the federal government is planning to do the same. Some may ask: why should the federal government increase funding for state operations while states are reducing these budgets? One answer is that it is much, much cheaper for the federal government to partially fund the states to operate its programs than for it to fully fund EPA to do so. ECOS research shows that a typical federal environmental agency employee earns about 50% more per year than a state environmental agency employee in the same profession and with similar experience⁵. If a state finds the cost to operate a federal environmental program to be too expensive, it can always turn that program back over to EPA – at least two states are currently considering this move. In such a case, EPA will be paying more for its employees and since the federal government only funds on average about one-fifth the cost of for a state to implement a program, it will likely also have to pick up the 80% in costs that the states currently pay for. In all, the Appropriations Committee should expect the cost for EPA to implement a program that is currently delegated to a state to be five to six times as much as for the state to run it. EPA understands this very well and has always tried

³ Brown and Fishman, *op. cit.*, page 6.

⁴ *The State Environmental Agencies’ Statement of Need and Budget Proposal for EPA’s 2012 Categorical Grants STAG Budget*, ECOS, June 2010

http://www.ecos.org/files/4109_file_ECOS_Proposal_for_EPAs_2012_STAG_Budget_v2_0.pdf

⁵ *Cost to Move a Program from a State to U.S. EPA*, ECOS, 2011

http://www.ecos.org/files/4354_file_Cost_to_Move_a_Program_from_a_State_to_EPA.xls

to avoid a situation in which a state might be motivated to return a delegated program for funding reasons.

Now let us turn to the State Revolving Funds (SRFs). ECOS is on record asking Congress to fully fund and reauthorize the Clean Water State Revolving Loan Fund⁶. We also support the Drinking Water State Revolving Loan Fund. We recognize that the President's 2012 budget proposal cuts funding to the SRFs. While we would prefer not to see cuts to the SRFs, we recognize that many in Congress and elsewhere want to reduce federal spending, and that these large funds are a conspicuous place to do so within EPA's budget. We also acknowledge that the SRFs got a significant one-time boost from the American Recovery and Reinvestment Act of 2009. We remind the Committee that while a cut to the SRF is technically a cut to EPA's budget, it is in reality a cut to the states and the local governments, and that it is a cut that reduces the amount that these governments have to comply with a federal mandate. However, the SRF cuts proposed in the 2012 budget will not cause lasting damage to the states and local governments provided that: 1) the cuts are limited to one or two fiscal years; 2) that the SRF is ultimately fully funded, and 3) that new rules for which state and local governments use the SRF to comply are not promulgated during the years of the cuts to the SRF. Otherwise, state and local governments will be facing a significant unfunded mandate that many of them, especially the smaller systems, will find difficult to meet, and we might expect deteriorating water quality conditions to result.

Lastly, we want to discuss the workload that the federal government expects the state environmental agencies to conduct on its behalf. As we stated, most EPA rules are handed over to the state agencies which actually implement them. With the rare exception (such as the coal combustion residual rule proposal, or rules that states are asked to implement before they are finalized) states do not oppose these rules. In fact, we often support them or even ask EPA to promulgate them (such as dental amalgams waste mercury and mercury storage rules). However, the volume and complexity of EPA rules is outstripping the financial support that states receive to implement them.

For example, we cannot list the new EPA rules that affect state and local governments for the periods from 2008-2010⁷ in this document, because the list is so long that we would have no room for anything else in our four-page testimony. In 2008 EPA issued approximately 46 new regulations that had a significant impact on state governments. For 2009, there were about 36 significant new rules. In 2010 EPA listed approximately 57 significant new regulations - this one year was the highest total number of significant new regulations since 2000. Effectively, EPA is asking the states to implement 139 new or modified rules during a time when the categorical grants budgets have not even kept up with inflation.

⁶ "Congress Should Reauthorize and Fully Fund the CW SRF", ECOS Resolution 08-1, March 29, 2011. 4391_file_08_1_CWSRF_2011_version.doc

⁷ Among several sources, the reader can find a current list of rules impacting state governments at EPA's Rulemaking Gateway: <http://yosemite.epa.gov/oepi/RuleGate.nsf/content/effectsstategov.html?OpenDocument&Count=1000&ExpandView>

In conclusion, states understand and accept their responsibilities in implementing federal programs on behalf of EPA. We ask in return that Congress supply an amount commensurate with that workload – not 100% of the cost, but an amount that takes into consideration the number of rules and inflation. In so doing, this will allow the states to continue to operate these programs, to better serve our citizens and to save the federal government a very large cost that it would bear if states did not run these programs. We recommend that the Committee and the House pass the EPA 2012 budget proposal for the categorical grants portion of STAG.

Mr. SIMPSON. I appreciate your testimony. I have talked with Toni Hardesty out in Idaho about this same thing.

Mr. OPPER. I am crazy about Toni, by the way. She is marvelous.

Mr. SIMPSON. She does a great job. And I rely on her for a lot of information about how things are working, but you are right, there are Members of Congress who are upset with EPA, that is a mild way to put it, and consequently they would like to just eliminate their budget. Unfortunately, as we discovered as we tried to put together both H.R. 1 and this latest one that we thought, you cannot do that because oftentimes you are not getting at what you want to get at. What happens is, just as you said, those cuts are passed down to the states and then those programs that actually go out and repair this kind of stuff and do the air quality monitoring, et cetera, et cetera, that is where the cuts occur, and that is what we do not want to do. So it has got to be more strategic than what some members want to do, but as you saw in the last, I guess when H.R. 1 was proposed, there were, I think it was 22 amendments or something like that that were aimed directly at the EPA that passed. I think that was a lot of venting by members that were upset with things that had happened in their region or their area or whatever, and hopefully we will be more thoughtful when we bring the Interior budget down this year, and we will certainly take into consideration your testimony and what you said, because we do not want to hurt the programs that are being done I think effectively and efficiently by the states.

Mr. OPPER. Well, thank you for recognizing that, Mr. Chairman. I appreciate that very much.

Mr. SIMPSON. You bet. Jim.

Mr. MORAN. The testimony was very good. The conversational tone is particularly effective too, incidentally. Thank you.

Mr. OPPER. I know no other way.

Mr. SIMPSON. That is the way all Montanans are. Thank you.

Next is Craig—

Mr. SCHIFFRIES. Craig Schiffries.

Mr. SIMPSON. Okay, Mr. Schiffries, Director of Geoscience Policy at Geological Society of America.

FRIDAY, APRIL 15, 2011.

U.S. GEOLOGICAL SURVEY

WITNESS

CRAIG SCHIFFRIES, PH.D., DIRECTOR FOR GEOSCIENCE POLICY, GEOLOGICAL SOCIETY OF AMERICA (GSA)

Mr. SCHIFFRIES. Chairman Simpson, Mr. Moran, members of the subcommittee. Thank you for the opportunity to testify today about the U.S. Geological Survey. My name is Craig Schiffries and I serve as Director for Geoscience Policy at the Geological Society of America.

The Geological Society of America urges Congress to appropriate at least \$1.2 billion for the U.S. Geological Survey in fiscal year 2012. The USGS is one of the Nation's premier science agencies. It addresses many of society's greatest challenges including mineral and energy resources, natural hazards, climate change and water

availability and quality. Quite simply, the USGS benefits every American every day. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11th emphatically demonstrates the value of robust natural hazards monitoring and warning systems and the need for increased funding for the USGS.

Science and technology are engines of economic prosperity, environmental quality and national security. Federal investments in research pay substantial dividends. According to the National Academies report, *Rising above the Gathering Storm*, as much as 85 percent of the measured growth in U.S. income per capita was due to technological change. In 2010, the National Academies issued an updated report, *Above the Gathering Storm Revisited*, which says it would be impossible not to recognize the great difficulty of carrying out the *Gathering Storm* recommendations such as doubling the research budget in today's fiscal environment. However, it must be emphasized that actions such as doubling the research budget are investments that will need to be made if the Nation is to maintain economic strength to provide citizens health care, Social Security, national security and more. One seemingly relevant analogy is that a non-solution to making an overweight aircraft flightworthy is to remove an engine. Likewise, the National Commission on Fiscal Responsibility and Reform headed by Erskine Bowles and Alan Simpson said cut and invest to promote economic growth and keep America competitive. We should cut the red tape and unproductive government spending that hinders job creation and jobs. At the same time, we must invest in education, infrastructure and high-value research and development to help our economy grow, keep us globally competitive and make it easier for businesses to create jobs.

Earth science is a critical component of the overall science and technology enterprise. Strong support for earth science in general and the U.S. Geological Survey in particular are required to stimulate innovations that fuel the economy, provide security and enhance the quality of life.

Science and scientific integrity advanced through the combination of two recent developments at the U.S. Department of the Interior. Secretary Salazar issued a new five-year strategic plan that for the first time elevates science to one of five mission areas for the entire department. The Interior Department also issued a comprehensive scientific integrity program. These developments are cause for optimism but the Geological Society of America expects that the elevation of science to a mission area will guide investments that are reflected in improved budget requests for the U.S. Geological Survey.

The U.S. Geological Survey addresses many of society's greatest challenges, and I would like to mention just two today. A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster recovery and response. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11th, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti last year, and the small volcanic eruptions in Iceland that disrupted global air traffic last year provide compel-

ling evidence that the United States needs to take further actions to reduce risks from natural hazards. An improved scientific understanding of geological hazards will produce future losses through better forecasts of their occurrence and magnitude. We urge Congress to increase funding for the USGS to modernize and upgrade its natural hazards monitoring and warning systems.

Widespread deployment of new energy technologies can reduce greenhouse gas emissions, mitigate climate change and reduce dependence on foreign oil, and minerals and energy resources are inextricably intertwined because many new energy technologies such as wind turbines and solar cells depend on rare earth elements and other critical minerals that currently lack diversified sources of supply. China accounts for more than 95 percent of the world production of rare earth elements although it has only 36 percent of the identified world reserves, according to the USGS. A renewed federal commitment to innovative research, information and education on mineral and energy resources is needed to address these issues.

President Obama's fiscal year 2012 budget request for the USGS is \$1.118 billion, a decrease of \$15 million, or 1.3 percent, below the USGS budget request for fiscal year 2011. Now, that is a slight increase in the total USGS budget request for fiscal year 2012 compared to the fiscal year 2010 enacted level. The 2012 budget request contains \$89.1 million in budget cuts in core science programs that would be offset by increases in other areas. The proposed budget cuts would have significant negative impacts on the scientific capabilities of the USGS. Proposed reductions in the fiscal year 2012 budget request include \$9.6 million for mineral resources, \$8.9 million for national water quality assessment, \$4.7 million for earthquake hazards.

It appears that responsibilities for Landsat satellites have been transferred from NASA to USGS without a corresponding transfer of budget authority. A \$48 million increase for national land imaging would be offset by decreases for core USGS programs. This trend cannot continue without compromising the mission of the U.S. Geological Survey. The Geological Society of America urges Congress to appropriate at least \$1.2 billion for the USGS in fiscal year 2012. The USGS budget has been nearly stagnant in real dollars since 1996. The USGS budget for 2010 was below the USGS budget for 2001 in real dollars, and during this time natural hazards, mineral and energy resources, and water availability and quality have become increasingly important to the Nation.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. The Geological Society of America is grateful to the House Interior Appropriations Subcommittee for its leadership in strengthening the USGS over many years. We urge you to strengthen the USGS further again this year. I would be happy to answer any questions.

[The statement of Craig Schiffries follows:]



Testimony of the
Geological Society of America
Dr. Craig M. Schiffries
Director for Geoscience Policy

Regarding the
U.S. Geological Survey
FY 2012 Budget Proposal

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior Environment, and Related Agencies

April 15, 2011

Summary

The Geological Society of America (GSA) urges Congress to appropriate at least \$1.2 billion for the U.S. Geological Survey (USGS) in fiscal year 2012. The USGS is one of the nation's premier science agencies. It addresses many of society's greatest challenges, including mineral and energy resources, natural hazards, climate change, and water availability and quality. The USGS benefits every American every day. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011 emphatically demonstrates the value of robust natural hazards monitoring and warning systems and the need for increased funding for the USGS. Nevertheless, funding for the USGS has stagnated in real dollars for more than a decade.

The Geological Society of America supports strong and growing budgets for the U.S. Geological Survey. Increased federal funding for Earth science is needed to stimulate innovations that fuel the economy, provide national security, and enhance the quality of life. The USGS has a unique combination of expertise and assets that enable it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations.

The Geological Society of America, founded in 1888, is a scientific society with over 24,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA advances the geosciences, enhances the professional growth of its members, and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

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Rationale

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report *Rising Above the Gathering Storm* (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in US income per capita was due to technological change." In 2010, the National Academies issued an updated report, *Above the Gathering Storm, Revisited*, which says:

It would be impossible not to recognize the great difficulty of carrying out the *Gathering Storm* recommendations, such as doubling the research budget, in today's fiscal environment...with worthy demand after worthy demand confronting budgetary realities. However, it is emphasized that actions such as doubling the research budget are investments that will need to be made if the nation is to maintain the economic strength to provide for its citizens healthcare, social security, national security, and more. One seemingly relevant analogy is that a non-solution to making an over-weight aircraft flight-worthy is to remove an engine.

Likewise, the National Commission on Fiscal Responsibility and Reform, headed by Erskine Bowles and Alan Simpson, said:

Cut and invest to promote economic growth and keep America competitive. We should cut red tape and unproductive government spending that hinders job creation and growth. At the same time, we must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs.

Earth science is a critical component of the overall science and technology enterprise. Growing support for Earth science in general and the U.S. Geological Survey in particular are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Earth Science provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of government.

Advancing Science and Scientific Integrity at the Department of the Interior

Science and scientific integrity advanced through the combination of two recent developments at the U.S. Department of the Interior. Secretary of the Interior Ken Salazar issued a new five-year strategic plan that for the first time elevates science to one of five mission areas for the entire department. The Interior Department also adopted a comprehensive scientific integrity policy that sets clear expectations for all employees, including political appointees, public affairs officers, and scientists. These developments are cause for optimism. GSA expects that the elevation of science to a mission area will guide investments and the allocation of resources that are reflected in the budget for the U.S. Geological Survey.

Broader Impacts of the U.S. Geological Survey

The USGS is one of the nation's premier science agencies. It addresses many of society's greatest challenges, including natural hazards, mineral and energy resources, climate change, and water availability and quality.

- Natural hazards – including earthquakes, tsunamis, volcanic eruptions, floods, droughts, wildfires, and hurricanes – remain a major cause of fatalities and economic losses worldwide. A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2011, provide compelling evidence that the United States needs better data to inform further actions to reduce risks from natural hazards. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. We urge Congress to increase funding for the USGS to modernize and upgrade its natural hazards monitoring and warning systems.
- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies and quality of life. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time address economic and environmental issues. USGS assessments of mineral and energy resources – including rare earth elements, unconventional natural gas resources, and geothermal resources – are essential for making informed decisions about the nation's future. Widespread deployment of new energy technologies can reduce greenhouse gas emissions, mitigate climate change, and reduce dependence on foreign oil. Minerals and energy are intertwined because many emerging energy technologies – such as wind turbines and solar cells – depend on rare earth elements and critical minerals that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements although it has only 36 percent of identified world reserves (USGS, 2010). A renewed federal commitment to innovative research, information, and education on mineral and energy resources is needed to address these issues.
- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.
- The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these critical resources—

and communication of new insights by geoscientists in formats useful to decision makers—is necessary to ensure adequate and safe water resources for the future.

- Research in Earth science is also fundamental to training and educating the next generation of Earth science professionals.

Budget Shortfalls

President Obama's FY 2012 budget request for the U.S. Geological Survey is \$1.118 billion, a decrease of \$15 million or 1.3 percent below the USGS budget request for FY 2011. Although there is a \$6 million or 0.5% increase in the total USGS budget request for FY 2012 compared to the FY 2010 enacted level, the FY 2012 budget request contains \$89.1 million in budget cuts in core science programs that would be offset by increases in other areas, including a \$48 million increase in a new account for National Land Imaging. The proposed budget cuts would have significant negative impacts on the scientific capabilities of the USGS. Proposed reductions in the FY 2012 USGS budget request include -\$9.8 million for Biological Information Management and Delivery, -\$9.6 million for Mineral Resources, -\$8.9 million for National Water Quality Assessment, -\$6.5 million for Water Resources Research Act Program, and -\$4.7 million for Earthquake Hazards. The Geological Society of America urges Congress to appropriate at least \$1.2 billion for the USGS in FY 2012.

It appears that responsibilities for Landsat satellites have been transferred from NASA to USGS without a corresponding transfer of budget authority. In the USGS budget request for FY 2012, a \$48 million increase for National Land Imaging would be offset by budget decreases for core USGS science programs. This trend cannot continue without compromising the mission of the U.S. Geological Survey. Experience with other satellites indicates that the cost of operating Landsat is likely to rise significantly in future years with the launch of Landsat 8, 9, and 10.

The USGS budget has been nearly stagnant in real dollars since 1996. The USGS budget for FY 2010 was below the USGS budget for FY 2001 in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. Federal funding for non-defense R&D has increased significantly while funding for the USGS stagnated for more than a decade. During this time, natural hazards, mineral and energy resources, and water availability and quality have become increasing important to the nation.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. The Geological Society of America is grateful to House Appropriations Subcommittee on Interior, Environment, and Related Agencies for its leadership in strengthening the U.S. Geological Survey over many years. For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, mineral and energy resources, climate change, natural hazards, and public investment in Earth science research – please visit www.geosociety.org or contact Dr. Craig Schiffries at cschiffries@geosociety.org.

Mr. SIMPSON. Thank you for your testimony. I am kind of a fan of the USGS and what they do. They are a great organization. I think they are being run well, and I was not very happy with the request in the President's budget for 2012 either, but we will be looking at it. I am concerned about the Landsat satellite and transfer, as you said, the responsibility with no money that goes along with it. We will be looking at that, and also we may have some additional responsibilities we wish for the USGS to take on, but we will not do that without corresponding resources for them to do it.

Mr. MORAN. I am in complete agreement with the chairman. The Landsat responsibility being shifted to USGS without an appropriate corresponding shift of financial resources was wrong, and we cannot afford these kinds of cuts to scientific research that USGS performs so ably. Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you for your testimony.

Mr. SCHIFFRIES. Thank you very much.

Mr. SIMPSON. Patrick Natale, Executive Director of the American Society of Civil Engineers, as opposed to the uncivil engineers.

Mr. NATALE. Some engineers are not.

FRIDAY, APRIL 15, 2011.

**ENVIRONMENTAL PROTECTION AGENCY, U.S.
GEOLOGICAL SURVEY**

WITNESS

**PATRICK NATALE, P.E., EXECUTIVE DIRECTOR, AMERICAN SOCIETY
OF CIVIL ENGINEERS**

Mr. NATALE. Mr. Chairman, good morning, Representative Moran. It is a pleasure to be in front of Representative Moran, my Congressman.

Mr. SIMPSON. He is mine too, actually. Although I vote in Idaho, I do live over in his district.

Mr. NATALE. I appreciate both of your comments, your comments that you made earlier about the importance of infrastructure. That is what ASCE has been talking about for many years. My name is Patrick Natale. I am the Executive Director of the American Society of Civil Engineers and I am a registered professional engineer in New Jersey. I actually live in New Jersey and Alexandria. I am really pleased to be talking about these issues that are before you today about EPA funding and the USGS funding. I think these are critical to our future and to the health and well-being of our citizens of this country.

The concerns that we have with some of the budget cuts that are in the proposed budget could be devastating for water infrastructure, as we talked about. You heard some great examples earlier by the prior speakers. But looking at the cuts of what the Clean Water Act and the Safe Drinking Water Act are being reduced to \$700 million and \$842 million, respectively, or a cut of 66 percent in one and 39 percent in the other. That is huge cuts to critical issues that impact our health, safety and welfare, which is pretty important to all of us. Each year as we do not do something, we are making the condition worse. Infrastructure, as we wait to repair it, the conditions later on are even worse.

When we did a report card in 2005, we found the needs for infrastructure to be \$1.6 trillion to improve infrastructure in all areas. When we did the report card again in 2009, the price tag went up to \$2.2 trillion. That was the cost of non-action or not enough action. We need to be paying attention to these critical areas, and we feel that there is a lot of data out there besides our report card. The report that was put together by the Bush Administration in 2002 looking at the need for our systems that was presented to EPA indicated that there was a need for system improvement in investment going forward.

We feel that this is a time when the Federal Government needs to be stepping up participation, not reducing it. We are going backwards at a time that is critical to our success. And it is one of these things, you wait, pay now, or pay a lot more later on. We need to be paying attention to those things. We have seen reports that indicated the need for the Nation to invest \$298 billion as of January 2008 in clean water needs, and we are not funding that. We have needs for replacing wastewater treatment plants. The pipes need repairing. We saw a great example of that a few moments ago. We need to buy new pipes, install new pipes, and we have to look at issues of combined stormwater, what the impacts of that are, and invest in stormwater management. What are we doing to make this a better country and keep the concerns of our citizens intact?

We need to be looking at investing more money. Over the next 20 years, the numbers can be staggering, but a comment was made earlier about the bottled water versus tap water. You are paying 4,000 times the cost of bottled water to drinking water. A slight increase in funding would be very valuable to improve the quality of the supply and we could avoid some of the conditions that we have here.

Our system is aging. We need to invest in that. We believe that the importance of doing this will help the citizens going forward and we can grow the Nation. We heard a lot of good examples before about the employment that is provided by doing infrastructure projects. And the thing I really like about it, they are domestic jobs when we do employment. So I think it is a really good opportunity. With the Nation facing \$400 to \$500 billion investment gap in wastewater and drinking water in the next 20 years, now is not the time to cut, now is the time to invest in our future, and I do not like to use the spending word, I like to use "invest," because this is about investing. The infrastructure that we have built in the past, we are living off it today and we are benefiting from that.

I understand the concerns that Congress has dealing with the budget gap and dealing with the deficit but it is not the time to cut back. ASCE recommends an appropriation of \$2 billion for the Clean Water SRF and appropriation of \$1.5 billion for the Drinking Water SRF in 2012.

Now, briefly, a couple of comments on the USGS, and I think we heard some really good comments about that by the last speaker, but we really feel it is important that USGS collects a lot of important scientific data that helps us make some good decisions, as a country, on vital water resources, prediction of earthquakes and volcanoes, and looking at other biological conditions in that country. That data is critical to help us go forward. And we heard ear-

lier about the reductions of where they are. We believe that we ought to be maintaining the integrity of our scientific data collection so that we can improve again the quality of service. ASCE recommends that the appropriations of \$1.2 billion should be in the fiscal year 2012 budget for the USGS.

Mr. Chairman, that concludes my remarks. I will be glad to answer any questions.

[The statement of Patrick Natale follows:]



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**TESTIMONY OF
THE AMERICAN SOCIETY OF CIVIL ENGINEERS
BEFORE THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES
ON THE
ON THE FY 2012 BUDGETS OF
THE ENVIRONMENTAL PROTECTION AGENCY
AND THE UNITED STATES GEOLOGICAL SURVEY
APRIL 15, 2011**

Mr. Chairman and Members of the Subcommittee:

I am Patrick J. Natale. I am a licensed Professional Engineer in the state of New Jersey and the Executive Director of the American Society of Civil Engineers (ASCE). I am pleased to be here today to present ASCE's views on the proposed budgets for the Environmental Protection Agency (EPA) and the United States Geological Survey for Fiscal Year 2012.

A. THE ENVIRONMENTAL PROTECTION AGENCY

The president's proposed budget for EPA in FY 2012 represents a setback for the nation because it reduces spending on critical infrastructure systems designed to protect public health.

Our 2009 *Report Card for America's Infrastructure* gave the nation's wastewater and drinking-water systems identical grades of D-, marking them as systems in near total failure. We estimated then that the physical condition of many of the nation's 16,000 wastewater treatment systems was poor due to a lack of investment in plants, equipment, and other capital improvements over the years, while federal funding under the Clean Water Act State Revolving Loan Fund (SRF) program had remained flat for more than a decade. Federal assistance has not kept pace with the needs, yet virtually every authority agrees that funding needs remain very high, a condition that has not improved in the last two years.

The EPA "Clean Water Needs Survey" for 2008, released last October, put the total wastewater and stormwater management needs for the nation at \$298.1 billion as of January 1, 2008. This amount includes \$192.2 billion for wastewater treatment plants, pipe repairs, and buying and installing new pipes; \$63.6 billion for combined sewer

overflow correction; and \$42.3 billion for stormwater management. Small communities have documented needs of \$22.7 billion.

In addition to the \$298.1 billion in wastewater and stormwater needs, the report documented needs of \$22.8 billion for nonpoint source pollution prevention and \$23.9 billion for decentralized wastewater (septic) systems. An estimated \$334.5 billion and \$81.5 billion in needs are potentially eligible for assistance from EPA's Clean Water State Revolving Fund and Nonpoint Source Control Grant programs respectively, the agency reported.

Meanwhile, the nation's drinking-water systems also face staggering public investment needs over the next 20 years. Although America spends billions on water infrastructure each year, drinking water systems face an annual shortfall of at least \$11 billion in funding needed to replace aging facilities that are near the end of their useful life and to comply with existing and future federal water regulations. The shortfall does not account for any growth in the demand for drinking water over the next 20 years. Nevertheless, the agency's overall budget proposal for FY 2012 represents about a 13 percent decrease from the FY 2010 enacted budget of \$10.3 billion for all EPA programs.

The most serious cutback totals \$2.5 billion—a decrease of \$938 million—for the Clean Water State Revolving Fund (SRF) and Safe Drinking Water Act SRF. The wastewater treatment SRF is being reduced by \$550 million and the drinking-water SRF by \$388 million from the FY 2010 enacted amounts.

On its web site, the EPA states: "While this budget includes significant cuts, it is designed to ensure that EPA can effectively carry out its core mission to protect public health and our environment, including the reductions of . . . water pollution."
<http://www.epa.gov/planandbudget/annualplan/fy2012.html>

We respectfully disagree. The agency's own budget states the problem succinctly. "America's waters remain imperiled."

Federal funds contributed to the SRFs have ensured efficient systemwide planning and continuing management of sustainable water infrastructure since 1987. With the nation facing a \$400 billion to \$500 billion investment gap in its wastewater and drinking-water infrastructure over the next 20 years, now is not the time to cut federal investments in public health.

We recognize of course that Congress is dealing with enormous deficits and a growing federal debt, but the remedies for these problems must not come at the expense of programs aimed at protecting public health from the dangers of increased contamination in our rivers, lakes and streams and our drinking-water supplies.

ASCE recommends an appropriation of \$2 billion for the Clean Water State Revolving Loan Fund (SRF) and an appropriation of \$1.5 billion for the Safe Drinking Water Act SRF in FY 2012.

B. UNITED STATES GEOLOGICAL SURVEY

The U.S. Geological Survey (USGS) is one of the nation's foremost science agencies. It produces the scientific data essential for the protection of the quality of economically vital water resources, for the prediction of earthquakes and volcanoes, for the cataloging of America's vast biological resources and for dozens of other critically important technical needs.

The administration's FY 2012 budget request for the USGS is \$1.118 billion, an overall decrease of \$15 million or 1.3 percent below the USGS budget request for FY 2011, but a small increase of \$6 million or one half of one percent above the FY 2010 enacted level.

Although there is a \$6 million increase in the total USGS budget request for FY 2012 compared to the FY 2010 enacted level, the FY 2012 budget request contains significant cuts in many programs that are offset by increases in other areas, including a \$59.6 million increase in a new account for National Land Imaging.

The USGS budget request for FY 2012 includes \$89.1 million in program reductions in longstanding programs. The proposed budget cuts would have significant impacts on USGS programs. Proposed budget cuts in the FY 2012 USGS budget request include decreases of \$9.8 million for Biological Information Management and Delivery, \$9.6 million for Mineral Resources, \$8.9 million for National Water Quality Assessment, \$6.5 million for Cooperative Water Program, and \$4.7 million for Earthquake Hazards.

In FY 2012 the administration seeks to cut the National Water Quality Assessment Program (NAWQA) by \$6.7 million from FY 2010. NAWQA is one of the nation's major sources of information on the flow and volume of rivers, streams and groundwater formations. The least harmful effect of these cuts would postpone the implementation of real-time technology for water-quality monitoring necessary to public health programs at the state and local levels. At their worst they would eliminate funding for monitoring and assessment of groundwater in 33 states. This information is used to identify contaminants in public drinking-water wells and manage groundwater to meet future needs for potable drinking-water and uncontaminated irrigation flows.

The USGS operates approximately 7,000 stream gages nationwide. These gages provide real-time data typically are recorded at 15- to 60-minute intervals, stored onsite, and then transmitted to USGS offices every one to four hours, depending on the data relay technique used, through the stream-gauging program. These data are used to predict floods, allocate water supplies, provide water flow data for publicly owned treatment works (POTWs), and assist in the design of flood-resistant bridges. National Streamflow Information Program is being reduced by more than \$800,000 from the FY 2010 enacted appropriation for streamflow in the president's budget. We urge the Congress to reinstate this cut.

The administration also proposes to cut \$3.5 million from the coastal and marine geology program. We support efforts to restore the entire amount of the reduction. This program supports the USGS' effort to understand the science of coastal and marine hazards, coastal groundwater studies and research into catastrophic storms, leaving funding only for the largest hurricanes to make landfall. These cuts are ill conceived and threaten the safety of Americans living along our coastlines.

We understand the challenges presented by the federal budget deficit. But any failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that society is vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2011, provide compelling evidence that the United States should take further actions to reduce risks from natural hazards.

The Administration's FY 2012 budget request includes \$133.9 million for Natural Hazards, \$5.1 million below the 2010 enacted level. ASCE is concerned that this decrease could compromise public safety. USGS, and other federal agencies involved in hazards research and mitigation, have face many years of underfunding; the proposed budget request will continue this trend.

The recent earthquakes highlight the importance of such programs as the National Earthquake Hazards Reduction Program (NEHRP), of which USGS is an important part. The Earthquake Hazards Program (EHP) is one part of USGS' contribution to NEHRP. Earthquakes pose significant risk to 75 million Americans in 39 States. The EHP provides information and products for earthquake loss reduction, including hazard and risk assessment, and comprehensive real-time earthquake monitoring. ASCE request that Congress restore funding to FY 2010 levels for Natural Hazards.

Congress must increase the total appropriation for the USGS in FY 2012. It must restore the \$39 million in cuts proposed for biological information, mineral resources, water-quality assessment and earthquake hazards programs in order to provide full funding for uncontrollable cost increases, and to provide new funds to enable the agency to address a growing backlog of needs for USGS science and information, accelerate the timetable for deployment of critical projects, and undertake new initiatives that address new challenges.

ASCE recommends an appropriation of \$1.2 billion for the USGS in FY 2012.

Mr. SIMPSON. Thank you, Patrick. I appreciate your testimony. As we said earlier, we do not disagree with you. It is a matter of the budget deficit is real and we have to deal with that, and we have to find a better way to fund this, a long-term funding source.

Mr. NATALE. Absolutely. ASCE next week are putting together a group of a lot of different parties together. We are bringing labor, we are bringing environmental groups in, we are bringing the U.S. Chamber, and we are going to be doing a visioning session of what is infrastructure looking like in the future, and we think this will be really good data for the country to take a look at and where do we go from here, how do we get there, and your concerns about funding, that is one of the issues we need to talk about. There are funding opportunities but we need to be thinking out of the box and we need to break the barriers. We cannot constantly say no new income. You are not going to do it. Let's do it wisely. So we are hoping that within the next couple of weeks we will have more data to provide to the Congress so you can make some good decisions going forward.

Mr. SIMPSON. We know that there are problems. It is trying to find an acceptable funding source. We have been working on some things which include some revenue enhancements, but I will tell you, they are not very popular, but some of the things we are going to do are not going to be very popular but it has got to be done. I appreciate it. Thank you. Jim.

Mr. MORAN. Put me on that bill when you are ready. And frankly, this is better testimony than we get from the agency for these programs. It brings home the need and the relative pittance that we are providing, albeit important. It does not seem as though it is an area we should be cutting, but again, I appreciate your speaking up. I wish some of the governors would speak up as much because it is money out of their pocket when we cut these programs. It is a state revolving fund. But anyway, this is very good testimony. Thank you.

Mr. NATALE. Thank you.

Mr. SIMPSON. Thank you.

The next witness is Conrad Anker, who manages athlete programs for North Face. How are you doing?

Mr. ANKER. Things are well. Greetings.

Mr. SIMPSON. You bet. Good to see you.

FRIDAY, APRIL 15, 2011.

BUREAU OF LAND MANAGEMENT, PUBLIC LANDS, LWCF

WITNESS

**CONRAD ANKER, MANAGES ATHLETE PROGRAMS FOR NORTH FACE,
LWCF COALITION**

Mr. ANKER. Mr. Chairman and members, thank you for the opportunity to speak on behalf of funding for the Land and Water Conservation Fund. I join with the LWCF Coalition, business and civil leaders, sportsmen and recreationists, conservationists and many others across the Nation in urging you to provide vital funding for LWCF in fiscal year 2012.

America can simply not afford to lose the national recreational and other public opportunities LWCF provides or the activity it injects in the American economy. This program touches every state and every American. It protects our most treasured places from our Civil War heritage at Fredericksburg and Spotsylvania to the Sawtooth National Recreation Area to the California desert, working ranches, state, local parks and trails.

I am a professional mountain climber by trade. From multiple ascents to Denali, the highest point in America, to Everest, the highest point on our planet, I have experienced nature in its raw and unbridled form. I find no greater joy than being in a far and remote place preparing for a challenging ascent. I have had the good fortune to combine my personal passion for the outdoors with my career. For the past 27 years, I have worked with the North Face, an outdoor apparel equipment company based in California with annual sales of \$1.4 billion and over 425 employees. We have a retail store in Boise, Idaho. Today I manage the athlete program, which encourages and supports outdoor participation. The North Face is very aware that the attributes of nature are part of our brand DNA. It is important to our industry that we have places for our customers to enjoy our products.

In the past 11 years, the North Face has led Vanity Fair Corporation, the parent company, in growth. In these tough economic times when families need to cut back, people are willing to invest in outdoor recreation. Families understand that being outdoors is a wise investment that reaps benefits to their health and well-being. In turn, this spending supports jobs and drives economic vibrancy in our communities.

The outdoor industry is one of America's fastest growing economic sectors. Without a metric like housing starts for the construction industry, its contributions to the health of the American economy are not widely recognized. Our industry is highly recession resistant, contributing over \$730 billion to the American economy each year and generating \$88 billion in annual state and federal tax revenues. Over 6.5 million American jobs are supported by the active outdoor recreation economy. The outdoor sector is a major part of the U.S. economy and America still dominates this globally and provides sustained economic growth in communities, rural and urban, across America.

Whether one is climbing Mount Everest, visiting a national park, fishing a favorite stream, the personal motivation is the same. We go outdoors to challenge ourselves and to come back refreshed. Everywhere I go, I meet people who seek the connection to the outdoors to sustain and inspire them in their daily lives. Outdoor experiences inspire and nourish the human spirit. In children, these experiences foster creativity and confidence that nurture the entrepreneurial spirit and a lifetime of fitness instilled by early access to outdoor has incalculable quality of life and public health benefits to individuals and our society as a whole.

Each year, the Land and Water Conservation Fund protects the integrity of our public lands. It funds the highest priority now-or-never purchases over our national parks, forests, refuges, national trails corridors and other public lands. It provides critical access to public lands and water for recreation, hunting and fishing. It

leverages state and matching dollars to provide close-to-home recreation through statewide LWCF grants for parks, ball fields, trails, Forest Legacy grants, working forest and timber jobs while ensuring public access to recreation.

LWCF is the only conservation offset from oil and gas drilling in federal waters. With over \$6 billion annually in offshore royalties, I urge you to honor the longstanding Congressional intent to dedicate a small portion of these revenues to their intended purpose. Significant cuts to LWCF experienced in the fiscal year 2011 budget will affect outdoor recreation projects and jobs and communities across the country. Please cut in fiscal year 2012 to reverse these cuts.

America's public lands heritage, be it a corner park or Yosemite, is critical to supporting the American spirit of innovation, dedication and motivation. In the words of Theodore Roosevelt, of all the questions which come before this Nation short of the actual preservation of its existence in a great war, there is none which compares in importance to the great central task of leaving this land even a better land for our descendants than it is for us. In these challenging economic times, ensuring access to the outdoors is ever more essential to maintain our quality of life and supporting our communities. LWCF is not only a wise economic investment but one that we must make for ourselves and our children. Thank you.

[The statement of Conrad Anker follows:]

**Testimony of Conrad Anker
On behalf of the LWCF Coalition
In Support of the Land and Water Conservation Fund
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman, Ranking Member Moran and Honorable Members of the Subcommittee:

Thank you for the opportunity to present testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. My name is Conrad Anker and I am appearing today on behalf of the Land and Water Conservation Fund (LWCF) Coalition. The Coalition represents a broad array of groups and individuals across the country who value land conservation and outdoor recreation with members from ranging from business leaders to sportsmen to conservation organizations.

I have had the great good fortune to combine my personal passion for the outdoors with my career as an alpinist and professional athlete. For the past 27 years I have worked with The North Face, an apparel and equipment company based in San Leandro, California with annual sales of \$1.4 billion and over 425 employees. Today I manage the athlete program to encourage and support outdoor participation. My work also involves initiatives to engage youth in the outdoors and corporate sustainability. The North Face is very aware that the attributes of nature are part of the brand DNA. As such it is important to our business model that we have places for our customers to use their products.

I spend a good deal of my time traveling to towns and cities across the country, speaking on behalf of The North Face to audiences who view outdoor recreation as an essential part of their daily lives. From the California Desert to the Sawtooth National Recreation Area to Virginia's civil war battlefields, the landscapes vary but the themes are consistent: access to the outdoors defines our communities and the fabric of our lives.

It is instructive to note that in the last 11 years The North Face has led in sales and growth among its sister companies of Vanity Fair (VFC), its parent corporation. Even in these tough economic times when families need to cut back on spending, people are willing to invest in outdoor recreation. They understand that it is a wise investment that reaps benefits to their health and well being. In turn, this spending supports jobs and helps sustain economic vibrancy in our communities. And, the popularity and demand for opportunities to visit land in its natural state will only increase as population grows and these natural places increase in esthetic and economic value.

The outdoor industry is one of America's fastest growing sectors and yet its contributions to the health of the American economy are not widely recognized. Our industry is highly recession resistant; contributes over \$730 billion to the American economy each year; and generates \$88 billion in annual state and federal tax revenue. 6.5 million American jobs are supported by the active outdoor recreation economy. The outdoor sector is a truly major part of the U.S. economy; one that America still dominates globally; and one that represents opportunities for sustained economic growth in communities, rural and urban, across America.

The direct and indirect impacts of the outdoor industry can be broken down as follows: Americans spend \$46 billion each year on active, outdoor equipment, apparel, footwear, accessories, and services. Additionally, they spend approximately \$243 billion on outdoor excursions within our sector every year. This adds up to \$289 billion in direct expenditures. The indirect expenditures, totaling \$441 billion, are the result of a ripple effect—the sum total of economic interactions that impact and benefit each other. This ripple effect encompasses manufacturing, transportation and warehousing, real estate and rentals, accommodations and food services, financing and insurance, professional services (such as technical and scientific).

The outdoor industry's significant contributions to our national economy rely heavily upon America's iconic and unique parks and forests, our mountains and rivers and wide open spaces —natural resources that are recognized and respected around the world. Our nation's unparalleled outdoor resources are of course about much more than dollars and cents. They are the places that provide us with recreation and refuge, that connect us to our past, that let us experience the natural world and its abundant wildlife, and that in many other ways define us as a people. Still, as I and others speak with you today about the need to protect these remarkable assets for our children and theirs, please keep in mind that these lands also are a very real and integral part of the environmental infrastructure that sustains millions of jobs and some \$730 billion in economic activity each year.

The Land and Water Conservation Fund is the premier federal program to ensure that all Americans have access to the outdoors. Whether it is a local community park or playground, or the vast expanses of our federal public lands, Congress created the LWCF in 1964 to guarantee America's natural, historical and outdoor recreation heritage. In 1968, Congress had the wisdom to authorize an income stream for LWCF from offshore oil and gas leasing revenues – not taxpayers' dollars. With an average of over \$6 billion coming in from offshore leasing royalties annually (and significantly more expected in future years), \$900 million for the LWCF account is a wise and balanced conservation offset to offshore energy development. Yet, this account has been shortchanged by over \$17 billion over the life of the program.

As a professional adventurer, I believe outdoor experiences inspire and nourish the human spirit. In children, these formative experiences foster creativity and confidence and nurture the entrepreneurial spirit that will build America's success of tomorrow. And, a lifetime of fitness, instilled by early access to outdoor recreation, has incalculable

quality of life and public health benefits both to individuals and to our society as a whole. Children who play outside are healthier, socialize easier and foster a sense of curiosity, the cornerstone of innovation. Education and innovation are vitally important to the economic well being of our nation.

America's unique public land heritage sets an example the world over. It epitomizes the spirit of self-reliance, independence and opportunity that we inherited and should bequeath to our children. In the words of President Theodore Roosevelt: "Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us."

In my home state of Montana, LWCF funding is helping our communities to protect our ranching way of life along the Rocky Mountain Front, conserving blue ribbon trout streams in the Madison Valley of the Greater Yellowstone Ecosystem, and maintaining working forests and intact watersheds along the Kootenai River. These projects complement state, local and private land protection dollars, enhance public access for hunting, fishing and other recreation, preserve community watersheds and clean water supplies, and reduce wildfire threats by avoiding development in fire prone areas surrounding our towns and cities.

Purchase of key inholdings across our public lands is a wise investment of taxpayer dollars that often solve management problems and reduce costs to the taxpayer. In Montana's Swan Valley, LWCF funding is helping to consolidate the checkerboard ownership pattern, a remnant of the 19th century railroad land grants. This eliminates alternate sections of private property with the national forests, thereby reducing the threat of inappropriate development and the associated management challenges and costs.

In the Kootenai River watershed of northwestern Montana, funding in Fiscal Year 2012 through the Forest Legacy Program, (included under the umbrella of LWCF-funded conservation programs), will allow 28,000 acres of critical resource and recreation lands to be conserved by a working forest conservation easement. These lands and their wildlife and fisheries resources will be forever conserved for public use and enjoyment while continuing to be managed as a sustainable, working forest by a private timber company. This is a win-win that maintains vital timber industry jobs and production while supporting the state's recreation economy.

The benefits of these efforts to the Montana recreation and tourism economy run deep: active outdoor recreation activities generate \$2.5 billion in revenues annually to Montana's economy and support 34,000 jobs. Hunting, fishing and wildlife observation alone engage over 950,000 people in Montana each year that spend over \$1.1 billion in our local communities. The outdoor industry sector experiences gains from retail sales of gear and equipment while a myriad of other local businesses, restaurants and hotels see expanded sales and activity. These economic benefits of land conservation are not unique to Montana. They extend across the country to states, counties and towns where

LWCF funding is augmenting conservation and supporting local businesses and communities.

Enhancing access to the outdoors for active recreation – provided by the investments of the LWCF – directly supports local jobs across our communities and the recreation economy. If we are serious about creating jobs and getting the economy back on track, conservation spending on LWCF is not only a wise, but an essential investment. It reaps immediate and tangible benefits in our communities across the tourism, service and outdoor recreation sectors. Further, Forest Legacy investments not only promote sustainable forestry but also related job creation in restoration, infrastructure maintenance, and associated industries.

Mr. Chairman and members of the Committee, for these diverse reasons I join with the Land & Water Conservation Fund Coalition and many others across the nation in urging you to provide robust funding for LWCF in Fiscal Year 2012. We all understand the severe financial constraints under which you and this Congress are operating; at the same time, we recognize that America simply cannot afford to lose the natural, recreational, and other public opportunities that LWCF provides, or the activity it injects into the American economy. On a bipartisan basis, many members of this Subcommittee and throughout Congress recognize the critical importance of LWCF and of the current time-sensitive investments that are needed to maintain and expand public access to and enjoyment of the outdoors. Those clear needs also are expressed in the Administration's budget request for Fiscal Year 2012, which recommends full funding for the Land and Water Conservation Fund at the Congressionally authorized level of \$900 million. This funding level would fuel wise and necessary investments in high-priority, now-or-never, willing-seller projects within our national parks, wildlife refuges, forests, wild and scenic rivers, national trails, and other lands; in state-side LWCF grants to all fifty states and territories, enhancing our state and local parks and trails; and in non-federal protection of working forests, key wildlife habitat, and other irreplaceable outdoor resources

In this time of fiscal challenges, LWCF is an investment that simply cannot be deferred. Not only does it protect our most cherished, singularly American places, but at the same time it produces enormous, direct, tangible economic returns to communities across the country. As we all commit ourselves to America's economic recovery, as LWCF's offshore oil and gas revenues continue to flow into the treasury, and as land-use pressures increasingly jeopardize the economic, recreational, and other public values of our nation's outdoor resources, now is the time for LWCF. I therefore respectfully ask that you do all you can to fully fund this vital program. Thank you.

Mr. SIMPSON. Thank you. Thanks for your testimony. I appreciate it very much. Obviously if I did not think that outdoor recreation and the Land and Water Conservation Fund were very important, I would not live in Idaho. It does have some challenges. Some people are concerned that it is buying more land in states that are already heavily owned by the Federal Government, and that is something we have to get around. But I appreciate your testimony.

Mr. MORAN. I do as well, and am dropping a bill today that would charge a fee for plastic bags because they have such an adverse impact upon the environment, and the revenue would go to Land and Water Conservation Fund. I know there are other ways of finding revenue for it, but just as we do with water infrastructure, I do think we are going to have to find other sources of revenue that are directly related because Land and Water Conservation Fund is terribly important. We have \$900 million in the fiscal year 2012 budget but in order to get that the administration had to squeeze money from other programs that are very important as well. But thanks for your testimony.

Mr. SIMPSON. And I can tell you that having talked to Secretary Salazar, this is one of his top priorities, so we will work with him.

Mr. ANKER. Great. Addressing inholdings is a great way of making it more efficient. A copy of my book.

Mr. SIMPSON. Okay. I appreciate it. Thank you.

Mr. MORAN. Thank you.

Mr. SIMPSON. Next we have Jim Blomquist, Chairman of the Board of the Wilderness Land Trust.

FRIDAY, APRIL 15, 2011.

BUREAU OF LAND MANAGEMENT, PUBLIC LANDS

WITNESS

JIM BLOMQUIST, CHAIRMAN, BOARD OF DIRECTORS, WILDERNESS LAND TRUST

Mr. BLOMQUIST. Mr. Chairman and Ranking Member Mr. Moran, my name is Jim Blomquist. I am a volunteer chair of the Wilderness Land Trust. Our president, it is his wife's 60th birthday and they had a longstanding commitment to go to Costa Rica, so it is hard to stand in the way of such a celebration, so I agreed to come here to Washington.

We are just a small nonprofit. We have two staff and two consultants. Our board is bigger than our organization. And what we do is focus on buying from willing sellers inholdings in designated federal wilderness areas or ones that are congressionally proposed that are close to fruition. You know, we do not want to get ourselves into buying land in places that are years and years away from designation. And I am really here to thank you for in the last few years putting in a line item a fund to support inholdings acquisition. That item, having money in the budget available to agencies for them to decide which projects to go forward, but that is vital to our work. What we have learned in years of working with local landowners who would like to sell their properties that are located within wilderness areas, what we have learned is that acquisition

opportunities really come sort of in a generational basis, you know, this was grandfather's land, you know, there is a lot of emotional attachment, this is the land that was, you know, in Idaho, these are lands that are originally homesteaded, and parting with those lands is not an easy decision often and it is not something that you can sit back and say oh, this will come along in a couple years when we have the money or we have, you know, people paying attention to it. And so a group like ours, you know, we try to remain close to all the people who own such lands and make it clear to them that we are available to help if they are interested in selling it and moving it into ownership by the United States, and it has really been a great benefit.

A few years ago, there was no such fund. There was no such money available. It was all done through specific appropriations, and it was much more difficult to do, and we really appreciate that. What we have been asking for is a fund about \$3 million to \$5 million for each of the federal land management agencies, one that would include all sorts of inholdings acquisitions. We just do wilderness. But there are probably other reasons and other properties. That is what we really focus on.

But we appreciate your support. We hope that you will continue in this effort in the future. It has really made a big difference in wilderness. You know, we see this effort as really keeping the promise that wilderness is. Inholdings sometimes cost agencies additional money because they have to deal with the fact that there are other landowners in the area. Landowners often become really frustrated because they have some view of what they would like to do that is really inconsistent with what the agency wants to do and it, you know, has the potential to degrade the wilderness experience, and the reason we have set aside these wilderness areas is because they provide solace and opportunity to get out by yourself.

I know you are a wilderness user, you know, that you do not really get in Washington, D.C. And so when we can free a wilderness area from a potential threat of a development or land that could be developed, it really delivers that promise that wilderness has. You know, we have protected areas that are very remote that require a drive on a road miles and miles through the wilderness. There was one in California where it is a several-mile ride up to a hunting cabin. We just acquired that. We hope to be able to turn that over to the United States soon. And then we have had some that are, you know, at the beginning of the wilderness area, right at the edge of it, which would provide public access to the area and provide the best access. And so it is a range of areas, range of reasons why people sell. You know, we try not to get into the middle of the wilderness fight. That is for other people. But we try to make sure that the wilderness areas that we have are managed the best they can.

So thank you very much. I really, really appreciate it.

[The statement of Jim Blomquist follows:]

Testimony of:
Mr. Jim Blomquist, Chair
The Wilderness Land Trust
Board of Directors

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related
Agencies
April 2011



Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, my name is Jim Blomquist and I am the volunteer Chair of the Wilderness Land Trust's Board of Directors. We are a small not-for-profit organization focused on protecting designated wilderness by working cooperatively with landowners who own private property within designated and proposed wilderness areas. We acquire such properties from willing sellers with the intent to transfer ownership to the United States.

Vital to the success of securing and preserving wilderness designated by Congress while treating private landowners within these areas fairly is the continued inclusion of modest funding for the Inholding Accounts of the four land management agencies within the Land and Water Conservation Fund. An appropriation of between \$3 and 5 million to each of the land management agencies, The Forest Service, the Bureau of Land Management, the Fish and Wildlife Service and the National Parks Service, will accomplish that.

Such funding will keep the promise of wilderness made to the American people and keep the promise made to private landowners within congressionally designated wilderness in the 1964 Wilderness Act, which authorizes the acquisition of privately owned lands within wilderness from willing sellers. Support for these accounts saves money, increasing agency efficiency and helps private landowners within federally designated wilderness and other conservation areas. It does not expand significantly federal ownerships or start new projects.

Within the boundaries of our federally designated Wilderness Areas are more than 400,000 acres of privately owned land. While the Wilderness Act defines Wilderness Areas as places where "the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain," private landowners rightly retain their rights to build roads, homes and other buildings,

The Wilderness Land Trust

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extend utilities, and extract minerals and timber. There are numerous cases, however, where such inholdings have been developed in ways that seriously degrade wilderness values on the adjacent public lands.

Such Inholdings within federal lands can create management inefficiencies that frequently exceed the cost of acquisition. A small annual appropriation, currently between \$2 and \$5 million per land management agency, solves these problems. They complete the commitment to acquire private lands from willing sellers surrounded or adjacent to federal lands designated for conservation. Such opportunities often occur only once a generation.

We are not asking Congress to undertake a new acquisition program, or significantly expand federal ownership. We ask that Congress continue and complete the wilderness preservation it has undertaken, and to provide to private landowners who wish to sell the opportunity to transfer their land within designated wilderness to public ownership.

As an example, in 1990 Congress designated the Hells Canyon Wilderness in Arizona, north of Phoenix. Within the designated wilderness were 640-acres of private land that included the Hells Canyon for which the area was named. The land was patented as a cattle ranch in 1922. It was owned by the same family for most of those years, having bought it from the original owner in the 1920's. After years of arguments and law suits with the Bureau of Land Management, the family sold it in frustration to a major real estate developer in 2007. Subsequently we were able to purchase the property and, in turn, sell it to the United States. Completed in 2009, this acquisition not only preserved the heart of the designated wilderness, it created the ability to construct a trail through the wilderness that was built by a youth conservation corps in 2010. The purchase also settled a 32 year conflict, law suit and management issue between the owners and the Bureau of Land Management. It would have been more efficient to have acquired the land when offered for sale many years before, than to expend funds litigating the access available to the property through the surrounded designated wilderness.

Another example of how critical inholding funds can be used involves the West Maroon Pass Trail that bisects the Maroon Bells/Snowmass Wilderness, which is reported to be the most heavily traveled trail in the National Wilderness Preservation System, enjoyed by visitors from throughout the country. The trail begins at the base of the Maroon Bells and covers about 12 miles until it reaches the west trailhead on a county road, north of Crested Butte, Colorado. In 2000 the land on which the west trail head was located was listed for sale. Much to everyone's surprise, including the Forest Service, the trailhead was on a 60-acre privately owned patented mining claim known as the Outwest Placer. The Wilderness Land Trust was able to acquire the property and subsequently transfer it to the Forest Service because Congress has historically appropriated funds into the inholding accounts of the Forest Service, as well as the Bureau of Land

Management, the National Parks Service and the Fish and Wildlife Service. The presence of these modest appropriations allowed the national treasure of the West Maroon Trail and the Maroon Bells/Snowmass Wilderness to be preserved for all to enjoy – without a public battle over access, or the expensive reconstruction and rerouting of the trailhead.

Such private lands exist within our wilderness areas as a result of 19th century congressional action to expand private ownership of public lands. Congress passed multiple Acts allowing for homesteads, mineral patents and timber patents. These 19th century land use patterns remain within now preserved lands and are inconsistent with the intent of Congress to preserve some of these lands as wilderness. Congress knew these lands were within designated wilderness when it acted to create the landmark National Wilderness Preservation System in 1964 and provided for their purchase from willing sellers in the 1964 Wilderness Act, and all subsequent wilderness designations.

It has been our experience that only about 5% of these lands are offered for sale every year. If the land management agencies are not able to acquire the properties when they are for sale, the lands are sold to another owner. It is no coincidence that only about 5% of these properties become available every year. It is because many of the offers for sale generally occur once a generation, about every 20 years. If the Agencies are not able to acquire the lands when offered, they are sold to yet another private owner who can develop that land governed only by local regulation, in whatever manner that owner believes is in his or her best interest. Some landowners are quiet users of the land, but many try to take advantage of the surrounding wilderness in ways that are inconsistent with wilderness land use that Congress intended when the area was designated.

For example, deep within the Kalmiopsis Wilderness of Oregon is a privately owned property known as Emily Camp. The mineral patents which make up Emily Camp are titled Little Chetco 1, Little Chetco 2 and Little Chetco 3. Together they total 60 acres. Although patented as a mining property, once patented, the land becomes private land like any other private land.

The current owner is trying to sell timeshares for \$65,000 each to recreational miners, bringing people onto the land with helicopters and attempting to dredge the nearby Little Chetco River, a designated Wild and Scenic River that is protected salmon spawning habitat, for gold. There are multiple threats of law suits concerning the use of the property and the legality of the tourist cabins and other facilities built by the owner on the Chetco Claims that comprise Emily Camp. There are allegations that vehicles are going off this property into the surrounding wilderness. When this owner wishes to sell, it will be critical to the congressionally designated Wilderness that surrounds the property, and to the designated Wild and Scenic River that abuts it that the United States be able to buy this land and protect the surrounding wilderness and river.

Appropriating funds for the inholding accounts within the Land and Water Conservation Fund preserves already designated wilderness and secures it for future generations. It also honors the commitment to those private landowners within designated wilderness that their land would be purchased at a fair market value when it came time for them to sell it. This was the understanding of private landowners when the public land that surrounds them was designated. That is what Bob Beck believed. Bob owned 160-acres of undeveloped land known as the Horse Pasture property, which was surrounded by the Ventana Wilderness in California. Bob loved the land and approved of the popular Forest Service trail that crossed it. The property had a legal road access and was coveted as a private retreat, or home site enhanced by the surrounding wilderness. Bob was a genial man, popular in the town of San Anselmo, where he lived and operated a small business. He knew that he had to sell the property to take care of his wife and son. Bob worked with The Wilderness Land Trust and we acquired the land in 2007. Bob did not live long enough to see the property transferred to the ownership of the Forest Service and included in the Ventana Wilderness he loved, but he did pass away knowing that the Trust would see to it that the property would be included into the surrounding wilderness and that he was able to provide for his family by selling his only real asset to the Forest Service for a fair price, rather than to someone who wanted to develop it.

The fitting conclusion of this story, and the rightful conclusion of many such stories throughout the United States – a landowner taken care of as promised by Congress and designated wilderness preserved – Such acquisitions can most easily and efficiently occur when the inholding accounts within the Land and Water Conservation Fund for the four land management agencies, the Forest Service, The Bureau of Land Management, the National Parks Service and the Fish and Wildlife Service, receive a modest annual appropriation. It is the efficient and cost saving thing to do. It is the right thing to do.

Recently the Trust was able to acquire three ranch properties in Idaho at the mouths of canyons designated in the 2009 creation of six wilderness areas known collectively as the Owyhees. These acquisitions provided needed access to the wilderness, solved longstanding ownership issues for the ranchers and helped implement the cooperative effort of ranchers and conservationists to implement the Owyhee Initiative. It could not have been done without a reliable and annual modest level of support from Congress for the Inholding Accounts within the Land and Water Conservation Fund.

Thank you for the opportunity to testify. We greatly appreciate your time and consideration and the support of the Subcommittee in securing these appropriations in recent years. I am happy to answer any questions at this time.

Mr. SIMPSON. Thank you. I appreciate the work you do. There are some inholdings in a variety of areas that need to be taken care of, and the Owyhees that you mentioned is——

Mr. BLOMQUIST. We own several parcels right now.

Mr. SIMPSON. And that was an important part of the deal when they made the Owyhee Canyon lands the wilderness area that it is, but there are other areas also that are not wilderness areas. If you go down the South Fork of the Snake River in Idaho, you can imagine what it would like look had we not been able to do some land purchases along there and some conservation easements and other types of things. There would be cabins all down that. And I understand why because I would like to have one there. But you would not want to destroy what you see when you go down that, so I appreciate you. Thank you.

Mr. MORAN. Thank you.

Mr. SIMPSON. Next is Alan Rowsome, Director of Conservation Fund for The Wilderness Society.

FRIDAY, APRIL 15, 2011.

LAND AND WATER CONSERVATION FUND

WITNESS

ALAN ROWSOME, DIRECTOR OF CONSERVATION FUNDING, THE WILDERNESS SOCIETY

Mr. ROWSOME. My name is Alan Rowsome. I am Director of Conservation Funding for The Wilderness Society, and on behalf of our 535,000 members and supporters, I would like to thank the chairman, Ranking Member Moran and the rest of the subcommittee for their efforts on the Interior/Environment budget for fiscal year 2012. I would also like to thank all your hardworking and dedicated staff for their efforts over the past several months, and we know this has been a trying time. Our fiscal situation makes yours a difficult job with very difficult choices, and we thank you for all that you do.

Because these are tough times, it is critically important to make the right investments in conservation programs that support our national recreation economy and local communities all across the country while at the same time protecting our land, water and wildlife for future generations.

One of the programs that best exemplifies these investments is the Land and Water Conservation Fund. It is The Wilderness Society's highest priority within the Interior budget. LWCF is paid for from offshore oil revenues but has been consistently underfunded over its 46-year history, this despite the fact that LWCF has been hugely successful in every state and every Congressional district while garnering significant bipartisan support nationwide. LWCF is a critical tool the agencies can use to maximize efficiencies and to save critical management dollars. Here are two quick examples.

The acquisition of the Rocky Fork tract in Tennessee's Cherokee National Forest has reduced firefighting costs, noxious weed treatments, watershed restoration, boundary management, reduced risk of trespass and encroachment, and lowered costs from road and

trailhead closure construction and maintenance. All told, these cost savings would likely amount to over 500,000 management dollars.

The block of wetlands ACEC in Colorado is an example of cross-agency collaboration between BLM, the Park Service and the Fish and Wildlife Service to protect critical habitat for a number of threatened species. Acquiring this tract would help ensure that these species are kept off the endangered list, saving significant agency management dollars as well as keeping this area open to recreation and other local economic uses.

These projects are examples of LWCF success that need continued investment to alleviate threats, cut costs and protect important lands and waters. We support the President's request to fully fund LWCF in 2012 and look forward to working with the committee to keep LWCF strong.

And if I can make my first of probably several gratuitous pitches here, my first opportunity to witness LWCF at work was in fact on a float down the Upper Snake South Fork with members of your staff, members from Senator Crapo's and Senator Risch's staff, and what a great example of how this program can work and be successful, and there are examples of that all across the country.

The Wilderness Society also urges full funding for the Collaborative Forest Landscape Restoration Plan to support projects like the Selway Middle Fork in Idaho, which was one of the 10 projects selected last year. It is a 1.4-million-acre project that was collaboratively developed with the involvement of diverse interest groups. Restoration activities include commercial logging and community fire protection, road upgrades and decommissioning, and culvert replacement and noxious weed treatments. This project will bring 400 much-needed jobs to Idaho and provide timber to local mills.

We also support the Administration's fiscal year 2012 increase of \$50 million for the National Landscape Conservation System to provide for greater visitor safety and to allow for resource management work to be completed in a more timely manner at places like Morley Nelson Snake River Birds of Prey National Conservation Area in Idaho and Canyons of the Ancients National Monument in Colorado, which hosts the highest concentration of archaeological sites in the country.

We were disappointed that the fiscal year 2011 spending bill cut funding in behalf for the Forest Service's Legacy Road and Trails Remediation program. Cuts like this in the future will imperil projects like in Idaho, where tribes, advisory committees and land managers are working together to restore habitat for economically important cutthroat and steelhead trout populations. Work was performed by private contractors, creating family wage jobs and decommissioning high-risk roads helped limit both environmental damage and long-term maintenance.

Also disappointing in the fiscal year 2011 budget was the inclusion of a funding limitation on the BLM's new wildland policy. We are very appreciative of the chairman's support of wilderness in Idaho and we hope to work with you to ensure this provision is not included in the fiscal year 2012 budget.

Finally, TWS is a strong proponent of transitioning our country to a sustainable energy economy by developing our energy resources quickly and responsibly. We believe renewable energy is an

appropriate use of the public lands when sited in areas screened for habitat, resource or cultural conflicts. This past year, the Department approved nine solar energy projects which combined will provide over 7,300 jobs. Cuts to the Department's renewable energy program would put projects and jobs at risk.

We know the committee has tough decisions ahead and we appreciate all of your work on behalf of the lands, waters and wildlife that all Americans enjoy and are part of our shared heritage, so thank you for the opportunity to testify and I would be happy to take any questions you have.

[The statement of Alan Rowsome follows:]

**Written Statement of Alan Rowsome
Director of Conservation Funding at The Wilderness Society
before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2011 Interior and Related Agencies Appropriations Bill
March 31, 2011**

The Wilderness Society (TWS) represents more than 535,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2012 Department of the Interior and Related Agencies Appropriations Bill.

We understand that tough budgetary decisions will need to be made in upcoming years, however, when deciding on funding that affects hundreds of millions of Americans, we must take into account the full economic, social, environmental and cultural value of the many programs managed by this subcommittee. Interior, Environment, and Related Agencies support millions of jobs, improve our infrastructure, encourage economic investment in local communities, keep our air breathable, our water clean and our wildlife and outdoor spaces protected, and in many ways make our country unique and prosperous.

Visitation to our public lands represents a hugely critical part of part of regional economies across the nation. Spending by forest, refuge, park, and BLM land visitors alone is over \$40 billion annually and sustains nearly 1 million full and part time jobs. In addition, conservation programs are pivotal to the success of the outdoor recreation industry, which contributes \$730 billion annually to the economy while supporting nearly 6.5 million jobs across the country.

To invest in these critical programs that provide jobs, and protect the health and economic well being of local communities, we urge bold, immediate action in support of conservation funding for Fiscal Year 2012. Specifically, TWS recommends:

Land and Water Conservation Fund

LWCF helps generate \$88 billion in annual state and national tax revenue along with generating \$289 billion annually in retail sales and services across the U.S. In addition, The Trust for Public Land has found that every \$1 spent on LWCF returns \$4 in economic value such as protecting water quality and supply.

The program is a critical tool to help land management agencies manage the public lands more efficiently. When strategic inholdings through LWCF are purchased, internal boundary line surveying can be reduced, as well as right-of-way conflicts and special use permits. These management efficiencies reduce agency expenditures. Private development can also substantially increase the potential for invasive species introduction and wildfires, which can lead to significant agency costs. Acquisition allows access by land managers, which fosters reduction or elimination of resource threats and management complications. Landowner/visitor conflicts and trespass issues can also be eliminated or reduced with strategic acquisition, enhancing visitation and its economic impacts and—importantly—allowing managers to focus their attention on other pressing needs.

BLM Onshore Oil and Gas Policy

The Administration has proposed the following laudable reforms of the BLM's oil and gas program, which TWS strongly supports:

- A fee on onshore federal operators designed to bring in \$10 million per year for the I & E program
- Continuation of the \$6,500 APD fee first approved by Congress for FY 10
- A \$4.00 per acre fee on non-producing onshore leases
- Repeal of Sec. 365 of EPACT which diverted lease rental revenues to fund the "Permit Streamlining Pilot Offices", and prohibits the BLM from charging APD fees (the latter provision in effect overridden by Congress in the FY 10 appropriations bill)
- Initiation of a new rule to raise royalty rates for federal onshore oil and gas leases, with a goal of raising oil and gas revenues by \$1 billion over ten years (royalty rates under consideration are not discussed in the budget proposal, however)

The BLM is implementing important management reforms of its oil and gas program that should lead to a better balance between oil and gas development on western public lands, and the protection of the many natural resource values that were put at risk by previous policies.

BLM Rapid Ecological Assessments

TWS supports completion of the BLM's initiative to develop Rapid Ecological Assessments. Once completed, these assessments will be of vital importance in assuring the BLM makes appropriate management decisions in conformance with its multiple-use mandate.

BLM's National Landscape Conservation System

The Bureau of Land Management's (BLM) National Landscape Conservation System (Conservation Lands) comprises some 27 million acres of congressionally and presidentially designated lands and waters, such as National Monuments, National Conservation Areas, and Wilderness. Stewardship of the Conservation Lands' many units provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The Conservation Lands provide immeasurable public values in return for modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near fast-growing cities. Recent changes have improved clarity in the System's budget, but the System still suffers from a lack of prominence in the Bureau's budget structure and there is a real need for sub-accounts that reflect the diversity of the System's many units.

- *TWS' FY 12 recommendation is full budget clarity for the Conservation Lands - two new subactivities for National Scenic and Historic Trails and for Wild and Scenic Rivers. Although we have identified an overall need of \$100 million for the Conservation Lands' budget, we support the Administration's more modest proposal for FY12, a \$15 million increase over the FY 10 enacted level.*
- *Restore the Challenge Cost Share Program at full funding of \$19 million. This is a cross-cutting program within DOI, which provides a 1:1 match for volunteer activities.*

Renewable Energy

TWS is a strong proponent of transitioning our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. We believe renewable energy is an appropriate use of the public lands when sited in areas screened for habitat, resource, or cultural conflicts. As such, we are supportive of the request for a \$14.2 million increase for

renewable energy programs across Interior, bringing the FY 11 request to \$73.3 million. TWS is pleased that DOI's request is consistent with the principle of both protecting lands and installing energy facilities, as seen in the proposed \$3 million increase over the \$16.1 million enacted in FY 10, for project-level environmental review. With these expanded resources, TWS hopes the Department will see fit to clearly document policies for thorough and expedient environmental review, suitability screening, energy zone identification, and fair return for taxpayers.

National Wildlife Refuge System Funding

An analysis compiled by the Cooperative Alliance for Refuge Enhancement shows that the Refuge System needs at least \$900 million in annual operations and maintenance funding to properly administer its 150 million acres, educational nature programs, habitat restoration projects, and much more. We appreciate the Subcommittee's vision and leadership while providing funding increases in FY 08-FY 10. We urge the Congress to build upon these important steps toward restoring the Refuge System by considering our request in the FY 12 budget. *To reach this goal, TWS recommends providing \$511 million in FY 12 for the Operations and Maintenance of America's National Wildlife Refuge System.*

National Forest Funding

This year, the administration will finalize a new forest planning rule and begin the process of revising forests plans across the nation. A massive backlog of forest plan revisions that has built up over the last decade will put incredible demands on related budgets. Accordingly, *Inventory & Monitoring and Land Management & Planning should be funded at \$172.5 million and \$50.9 million, respectively, in FY 12.* In addition, the nearly completed travel management process has worked to provide safe and reliable off-road vehicle access, minimize user conflict, and protect resources. Congress should support implementation of these travel management plans.

TWS appreciates the administration's efforts to shift forest management priorities from timber extraction to restoration. However, we have continued concerns about the effects of the Integrated Resources Restoration (IRR) proposal which would collapse three important programs into one, and how it would affect agency accountability for forest health and restoration. In addition, a key element of restoration will be to "right-size" the forests' massive and decaying road system, which is a major threat to the drinking water of over 3,400 communities and has resulted in ecosystem degradation and a more than \$4 billion road maintenance backlog. The Forest Service officially began this process in November 2010, but it is up to Congress to provide the necessary resources, particularly through the Legacy & Trails program. To achieve forest restoration goals in FY 12, TWS recommends:

- *The Forest Service receive congressional direction to develop a restoration plan that is rooted in the latest science and includes input from the public;*
- *The Collaborative Forest Landscape Restoration Program is fully funded;*
- *Congress continues its commitment to reduce fire risk to communities by funding the two State Fire Assistance programs at \$150 million, collectively; and*
- *Congress funds the Legacy Roads and Trails program at \$90 million.*

Forest Legacy Program

The Forest Service's Forest Legacy Program (FLP) provides matching funds to assist states in conserving private working forests - those that provide an array of environmental services and

products. These include clean air, clean water, carbon sequestration, a variety of critical fish and wildlife habitats, recreational opportunities, and timber and other forest products. Since its inception, the Forest Legacy Program has provided over \$500 million in matching funds to 43 states and territories for the conservation of over 2 million acres of forests valued at over \$1 billion. The program's federal-nonfederal leveraging ratio well exceeds the program's required 75-25 match and shows the tremendous support for the program in communities in almost every state in the nation. *The FY 11 President's budget proposed \$100 million and the FY 12 budget proposes \$135 million. We urge Congress to support the President's budget level for FLP in FY 12 to ensure the permanent conservation of important working forests across the nation.*

The Community Forest and Open Space Conservation Program

The Community Forest Program will give communities, tribes and non-profits 50-50 matching grants to acquire forest areas that are economically, culturally, and environmentally important to that locality and threatened by conversion to non-forest uses. This program provides federal grants directly to local governments and non-profits exclusively for full fee acquisition, not conservation easements, and the program's criteria are built around evaluation of a project's community impact even above its natural resource value. *The President's FY 12 Budget includes a \$5 million request for this program which will provide the agency with funds at the scale necessary to implement the program through project matching grants.*

Fire Funding – USDA Forest Service and DOI

The FLAME fund is intended to fund suppressing high-cost fires during the fire season and be accessible when annual suppression funds are nearly exhausted. The FLAME fund also requires the administration to report to Congress quarterly on the status of the fund, which would provide appropriators the opportunity to replenish the fund as needed. The purpose of the fund is to eliminate the need for the Forest Service to transfer funds from non-fire programs – a practice that has too often led to disruptions in program implementation. *TWS recommends maintaining FY 10 level for both the Forest Service and DOI FLAME funds. Additionally, Congress must continue to stress to the Forest Service the need to replace the 10-year rolling average estimate with a more predictive statistical modeling approach for calculating emergency and annual suppression estimates.*

Council on Environmental Quality

CEQ serves as the principal environmental policy advisor to the President. CEQ has broad statutory responsibilities for advising the President in the development of environmental policies and legislation; assessing and reporting trends in environmental quality and recommending appropriate response strategies; and overseeing implementation of NEPA. Additionally, CEQ has a lead role in facilitating the development and permitting of utility-scale renewable energy projects – projects which will reduce foreign energy dependence and create jobs. CEQ thus plays a critical role in developing and implementing the Nation's environmental policy, but currently it is severely understaffed. CEQ's staff ranged from 50-70 in the 1970s and '80s in both Republican and Democratic Administrations, but it is currently staffed by only 24 FTEs. *Additional resources are critical and TWS recommends a modest increase of \$285,000, which would allow for approximately 2 additional staff and only increase its overall budget to 4.4 million dollars. This small investment will make a substantial difference.*

Mr. SIMPSON. Thank you for your testimony. I appreciate it very much. Let me just say since you mentioned the Wild Lands policy, let me give you about a two-second why the funding prohibition was included in H.R. 1. In talking with the Secretary, I understand what he is trying to do but I think it will make it more difficult to actually resolve some of the wilderness debates that are going on across the country, and I sat with the Secretary and talked to him about that. I think he was pretty well aware that this was coming. There are other members, particularly western members, who have some concerns about it. My concerns are that we need to get on with resolving some of these debates about the wilderness study area and what is going to be wilderness and what is not and all that kind of stuff which, as you know, I have been working on in Idaho, and I think putting that policy in place makes it harder to resolve those debates. So I am willing to and want to work with you to see if we can figure out a way to do this that makes sense.

Mr. ROWSOME. Yes, I think we would like to do that. I think there are a number of ways that we could come together and work on it along with the BLM, so I look forward to working with you.

Mr. SIMPSON. I appreciate it. Thank you.

Mr. MORAN. As you know, we deferred to your judgment yesterday on the C.R., but I am sure we will continue to revisit the policy with regard to Wild Lands. It is good testimony. Thank you.

Mr. SIMPSON. We were going to make everything south of the Potomac here Wild Lands but they would not go for that.

Mr. ROWSOME. We would support that. That would be great.

Mr. SIMPSON. Thank you.

Next we have Tom Kiernan, President of the National Parks Conservation Association. How are you doing? Good to see you.

FRIDAY, APRIL 15, 2011.

NATIONAL PARKS AND THE NATIONAL PARK SERVICE

WITNESS

TOM KIERNAN, PRESIDENT, NATIONAL PARKS CONSERVATION ASSOCIATION

Mr. KIERNAN. Thank you, Mr. Chairman. Great to be here. Thank you very much, Mr. Chairman, Ranking Member Moran. It is wonderful to be here. Since 1919, NPCA has been the leading voice of the American public in protecting our national parks, so on behalf of our over 600,000 members and supporters, it is great to be here to testify.

I want to first make a comment about the overarching budgetary challenges that obviously you are facing, and I want to foremost thank you. Within the budgetary constraints that you are dealing with, you have prioritized national parks and the National Park Service operating budget as best you can, and we want to applaud that. We understand that you get it about the importance of the Park Service operating budget, so thank you, and frankly, thank you for your work going forward. We know you will do the very best you can in protecting the Park Service operating budget.

I also want to acknowledge within the recent budgetary challenges the shutdown, how virtually it seemed to us every article

out there talking about the shutdown referred to the impact on national parks and that the parks, the Washington Monument, Grand Canyon, et cetera, would be closed. The parks are so very special, and where did President Obama go Saturday morning to say the government was at work? He was at a national park at the Lincoln Memorial, so they are very special. As Ken Burns said in his seven-part documentary, they are uniquely American, uniquely democratic. They are the soul of America.

So within that context, we want to talk about the operating budget a bit more and then put in a plug for LWCF and the RTCA. The operating budget is NPCA's highest priority. You will recall well it was four, five or six years ago where the parks faced over an \$800 million annual funding shortfall. We had a period at which National Park Service rangers were endangered species in our national parks. We had dirty and broken restrooms. We had visitors centers that were closed. We had dangerous roads. We had deteriorating historic artifacts. And with that backdrop, President Bush proposed the idea of a centennial initiative from 2008 through 2016. He proposed \$100 million increase each year to enhance and better protect our national parks. So in fiscal year 2008, that was approved by Congress. In fiscal year 2009, another \$100 million increase. In 2010, President Obama continued that proposal, and that as well was approved.

As a result of those increases, we were able to see in a number of parks a return of park rangers, if you will. Just as one example in Shenandoah, their permanent staff was historically around 50. It had dropped to 26. It had been cut in half. But with those increases, it started coming back. What we want to most have happen is avoid going back to that era when we had rangers as endangered rangers and shut visitors centers. That is what we want to avoid.

So going forward, we are looking for \$100 million increase. We understand that that is very, very unlikely, so most importantly, we want to avoid any further cuts that would get back to a period at which you see cartoons in newspapers about the only time people seeing a park ranger is at the entrance gate taking the fee. That is what we want to avoid.

In addition to the benefit for the visitors and for the parks with the operating budget, it also does lead to significant economic activity in rural America. Every dollar that is invested in the parks yields at least a \$4 increase in economic activity surrounding the park. There was a recent study done that the Idaho Statesman reported on March 14th that showed at Yellowstone, over 5,000 private sector sectors outside of the park, at Craters of the Moon, over 100 jobs outside of the park, Grand Teton, over 6,000 jobs in the private sector as a result of Park Service funding and activity. So America's parks create American jobs.

A third reason on the operating budget, the importance of it, is just look at the polling of the American public. A couple years ago, Harris did a poll asking the American public the most admired federal agencies. The National Park Service, the number one most admired agency by the American people ahead of the armed forces, ahead of Social Security. The American people in other polls went on to say even in the tough fiscal times that we have right now,

a strong bipartisan majority, 73 percent, believe it is important that the parks are fully restored in time for their centennial in 2016.

So that is our strong support for the operating budget. I do want to echo some previous testimonies on the Land and Water Conservation Fund. We do support full funding there and would just emphasize that funding of the Land and Water Conservation Fund does enable purchases from private inholders inside the parks, willing sellers. By doing that, you reduce the management burden on the national parks. It improves their ability to control invasives, to deal with wildfires, to make recreational access, and a good example that you know is the Grand Teton land exchange that is before you. By making that exchange possible, it will reduce the long-term management burden on the parks, making it more efficient and more effective.

I do want to put, as I said, that plug in for some of the small programs, the Rails to Trails Conservation Assistance program, RTCA, small dollar amount, huge impact, so I would you would go for an increase there.

In closing, I would just mention parks have been referred to as the 394 branch campuses of the world's greatest university. What we want to do is have a situation where that world's greatest university has the faculty that it needs. We do not want to go back to a scenario where the world's greatest university does not have faculty.

So thank you very much for your great work and how much we look forward to continue working with you to protect the parks.

[The statement of Tom Kiernan follows:]

Statement of Thomas C. Kiernan, President, National Parks Conservation Association,
Subcommittee on Interior, Environment and Related Agencies, House Committee on
Appropriations
Regarding the Department of the Interior and Environment Appropriations Act, 2012
March 28, 2011

Mr. Chairman, Ranking Member Moran, and members of the subcommittee, I am Tom Kiernan, President of the National Parks Conservation Association. I appreciate the opportunity to testify on behalf of NPCA's more than 345,000 members to present our views regarding appropriations for the National Park Service for Fiscal Year 2012.

Mr. Chairman, we truly understand and appreciate the enormity of the challenge you face in attempting to set reasonable, responsible spending priorities when the imperative of significantly reducing the overall level of federal expenditures is driving the nation's political discourse and agenda. We want to thank you for the care you have taken with the national parks so far, and especially the money they need to operate and meet basic, fixed operating costs. We know and appreciate that you will do the best you can for the parks under the circumstances; and you know we probably will say it is not enough. I would like to take this opportunity to re-articulate the arguments and bolster the record as to why providing sufficient and even increased levels of funding for the National Park System must continue to be a national priority.

Ronald Reagan called America's national parks, "the envy of the world." Franklin Roosevelt said, "there is nothing so American as our national parks." Created by Congress for the benefit and use of all our citizens, national parks are - like national defense - inherently and fundamentally a federal responsibility. While park friends groups and private philanthropy contribute a good deal for the benefit of several specific parks and units in the system, there is simply no viable alternative to federal appropriations to maintain these places that Congress itself determined to be the most precious and important to America's story and way of life, intact and operating.

The annual budget of the National Park Service amounts to less than 1/13th of 1% of the overall budget of the United States. Clearly the Park Service must re-examine its priorities and very carefully manage its financial resources to address new budget realities. We recognize that, as of the date of this testimony, you have been able to spare the critical operations account for our national parks. However, National Park Service programs have already been cut by \$100 million—reductions to beneficial, worthy and needed endeavors. At this point, there simply is no fat to cut out before starting to remove muscle and bone.

Park Operations: Adequate funding for park operations remains the top priority for NPCA.

The federal budget and appropriations process has been a roller-coaster ride for the parks over the past twelve years. The operations budget for the National Park Service was short-changed by multiple administrations and congresses until the annual operating shortfall reached more than \$800 million in FY07. The result: a growing crisis with missing rangers, shuttered visitor centers, dirty or un-operational restrooms, deteriorating landscapes and historic artifacts, dangerous or crumbling roads and trails, and reduced interpretive and educational programs – in short, eroding resources and diminishing services for millions of park visitors.

For FY08, with the 100th anniversary of the Park Service and the creation of the modern National Park System approaching in 2016, the Bush administration heeded our call and initiated what was envisioned as a sustained, 10-year program of incremental, \$100 million annual operations increases intended to erase the operating shortfall and to put the national parks in their best possible condition in time for the centennial. This Centennial Initiative was supported by both parties in Congress—particularly the members of this subcommittee—and was continued through the next two budget and appropriations cycles, which included the transition to a new administration. Some adjustments were made in other sections of the Park Service budget to accommodate the operations increases, but things were still underway for putting the parks in healthy shape by 2016. While this infusion enabled parks to re-employ thousands of people needed for resource protection, maintenance, law enforcement, and visitor services, it still leaves an annual operations shortfall today of more than \$600 million. That shortfall allows virtually no room for error or unforeseen natural catastrophes or circumstances such as unexpectedly large increases in the price of fuel and other fixed costs.

NPCA strongly believes the trajectory begun in FY08 – annual operations increases of \$100 million plus fixed costs, carried forward by two presidents and recommended by the National Parks Second Century Commission – should be continued. While the operations increases Congress approved for FY08-FY10 have made a difference, the gains that were made can easily be lost. It is also important to put them in context. As significant as they were, by FY11, overall NPS funding had reached the same level in real dollars as had been appropriated in FY02.

A National Park System that is well managed, with park personnel who are well-trained, park resources that are protected, and visitors who are safe and well-served, requires investments by Congress. It is, of course, not a perfect world. We understand the reality of maintaining that trajectory in this fiscal climate, but at a bare minimum, we need to keep up with fixed costs so the hard-won progress of the last few years is not erased, and so we don't find ourselves, once again, in the kind of crisis our parks and their visitors saw only a few short years ago.

Multiple studies show that every dollar invested in the national parks, at least four dollars is generated in economic value to the public. These reliable economic engines contribute \$13.3 billion annually in local, private-sector economic activity and support nearly 270,000 private

sector jobs. For example, on March 14 the Idaho Statesman published an article citing a new study by Headwaters Economics of Bozeman, Montana, that shows the local areas around Yellowstone have 5,155 jobs tied to the park, with visitors spending \$302 million in 2009. City of Rocks creates 86 jobs, and generated \$6.4 million in visitor spending in the local area for 2009. Craters of the Moon supports 104 jobs and created \$5.8 million in visitor spending in Idaho in 2009. In short, spending on the national parks creates American jobs.

There is a lot of talk on Capitol Hill these days about what the American people want and what the American people expect. Those phrases are thrown around on both sides of the aisle, often without much empirical evidence. The American people are visiting our national parks more than ever, with more than 280 million visitors last year. That is more than 4 million above the average of the previous five years. The American people's great love affair with their national parks spans time, region, economic status and political persuasion. It is not diminished by the condition of the economy. A recent Harris poll found the National Park Service to be the federal entity most admired by the American people, even edging out the Armed Forces and Social Security. Another recent poll shows that nine out of ten Americans have visited a national park and more than six out of ten have done so in the past two years. A bipartisan majority of Americans (73%) believe it is important that the parks are fully restored and ready to serve the country for another hundred years in time for the national park centennial in 2016. Despite concerns about the economy and the federal budget, 88% of Americans say it is extremely or quite important to protect and support the national parks. Few issues enjoy such widespread agreement and bipartisan support among the American people.

Land and Water Conservation Fund (LWCF): NPCA supports full funding for LWCF, though we understand how difficult it would be for this subcommittee to achieve this when faced with a shrinking allocation. We believe in the healthy, rewarding recreational opportunities and the completion of existing national park units the LWCF was envisioned to provide. Though we respect that the subcommittee may not view full funding as realistic in this fiscal climate, LWCF should not be drastically reduced to the point recommended, for example, in HR 1. Arguing that no funds for land acquisition under LWCF should be provided to the Park Service until the maintenance backlog is eliminated is comparing apples to oranges.

Removing privately-owned inholdings from within park boundaries and completing parks will actually make their administration and resource management more efficient and cost effective, thereby freeing up money for other needs. Removing inholdings often improves things like invasive species control and water quality, reduces wildfire risks, removes obstacles to recreation and to wildlife management, and facilitates conservation of historical resources. In most instances, completion of specific parks by purchasing certain inholdings has been directed by Congress. Right now, there are many willing sellers and with real estate prices at rock

bottom, this is an ideal time for the Park Service to acquire critical inholdings before they are lost forever to incompatible development. The longer we wait and the more pressure for incompatible development, the more expensive the land becomes. It is a far more complicated proposition than simply opposing or supporting the expansion of federal holdings or the size of the federal government; LWCF is part of successful management of our national parks.

The deferred maintenance backlog: The backlog is attributable to chronic funding deficiencies in several categories, including operations, construction and transportation. These deficiencies have forced park managers to make unfortunate choices between what needs to be done and what absolutely must be done immediately to keep the parks up and running and visitors satisfied and safe. It would be one thing if Congress specifically required revenue that would otherwise legally be directed to the LWCF to be used for a period of time to eliminate the maintenance backlog, but that is not the tradeoff that is offered. Unfortunately, new funding reductions and prudent management decisions necessitated by budget uncertainty over the recent past have resulted in an increase in the maintenance backlog from roughly \$9 billion last year to nearly \$11 billion today. Clearly that is a move in the wrong direction, and at current levels of investment, the backlog will continue to increase in perpetuity. The longer needed repairs and maintenance to facilities is put off, the more expensive and difficult they become.

With our nation facing deficits, identifying savings is an important priority, but is not the only priority. Even if Congress were to eliminate every dollar of discretionary spending tomorrow, the deficit would continue to grow. The National Park System is about more than America's past; it's about our future, as the story of this great nation and our experiment in democracy continues to unfold.

One- thirteenth of one per cent! If even this fundamental federal responsibility cannot be met, it may mean nothing less than losing some of these national resources – resources important to understanding where we came from, how we got here and where we are going - forever. The future of our way of life and the shared values that define it will be diminished.

Is it important for the next generation of Americans to know what happened at Gettysburg? Should they understand the hardships faced at Valley Forge by the volunteer militia fighting to give birth to a new nation? Should they have a chance to see - really see, not just in cyberspace - what a buffalo looks like in the wild, or know the wonder of Old Faithful erupting, or learn to catch a fish? Should they still remember those who bravely died at Pearl Harbor or on Flight 93? Is it important that the lofty Lamp of Liberty shines on in New York Harbor, a beacon of freedom and opportunity, reminding of our values, for generations to come? The responsibility for that future lies with this subcommittee, and future generations are depending on you and your colleagues to leave them a future enriched by these American treasures.

Mr. SIMPSON. Thank you. Thank you for the work you do. You know I am a supporter of the parks as I think everybody on this committee, and we will do what we can. These are challenging budget times but we will do what we can to make sure that we do not go back to, as you said, a time when the rangers are endangered species.

Mr. KIERNAN. Exactly. Thank you very much.

Mr. SIMPSON. Thank you. Other questions? Thank you.

Mr. KIERNAN. Thank you very much.

Mr. SIMPSON. Tom Cassidy, Director of Federal Land Programs for the Nature Conservancy. How are you doing, Tom?

FRIDAY, APRIL 15, 2011.

LAND AND WATER CONSERVATION FUND

WITNESS

TOM CASSIDY, DIRECTOR OF FEDERAL LAND PROGRAMS, THE NATURE CONSERVANCY

Mr. CASSIDY. Thank you, Mr. Chairman and members of the subcommittee. I appreciate this opportunity to present The Nature Conservancy's recommendations for fiscal year 2012 appropriations.

The Nature Conservancy is an international nonprofit conservation organization working around the world to protect ecologically important lands and waters for nature and people. I will highlight today only a few aspects of my written testimony.

Plainly, this an unusual budget year and a very challenging fiscal environment. The conservancy recognizes the need for fiscal austerity. However, we do not believe that conservation programs should suffer from disproportionate and extreme reductions. Our budget recommendations this year, and this is different, do not exceed the budget request except for a few instances in which we recommend fiscal year 2010 funding levels. We look forward to working with you, Mr. Chairman and members of the committee, as you address the ongoing needs for conservation investments that are necessary to sustain our Nation's heritage of natural resources and the economic vitality of communities across the Nation.

We are an enthusiastic supporter of the President's request to fully fund the Land and Water Conservation Fund and the mix of programs it supports. We are especially interested in the competitive stateside program and would like to acknowledge the version of this program that was proposed last year by Ranking Member Moran. We are hopeful that increased funding for LWCF can also be the catalyst for the kind of cooperative and community-based conservation programs that are called for in the President's America Great Outdoors initiative.

Our priorities this year include continuing phased acquisition of projects at Hell's Canyon National Recreation Area, the Montana Legacy project and Arizona's Shield Ranch. We are also pleased to support the Administration's proposal for significant increases, for significant investments in conservation easements on the working ranches of the Flint Hills Conservation Area in Kansas and also the Rocky Mountain Front Conservation Area. Both projects exem-

plify landscape-scale conservation through the cost-effective means of conservation easements.

This year's Forest Legacy priorities include Idaho's Boundary Connections project and continuing the phased acquisition of Kentucky's Big Rivers Corridor and New York's Follensby Pond.

We also support the President's request for the Cooperative Endangered Species Conservation Fund. The conservancy and its partners have used this program to secure key habitat for numerous threatened endangered and at-risk species and thus help avoid conflicts over ESA issues. This program has been used to provide permanent habitat protection through conservation easements on high-priority private lands such as in northern Idaho's Kootenai Valley.

Fish, wildlife and their habitats are and will continue to be profoundly impacted by climate change regardless of our success in reducing greenhouse gas emissions. If we are to get ahead of such change to avoid disastrous losses in critical habitat and the species that depend on that habitat, we must develop the place-based science to make informed cost-effective management investments. We welcome the President's and this committee's commitment to both the USGS Climate Science Centers and the Landscape Conservation Cooperatives.

Now, there is one program for which we seek funding that is not in the President's budget, and that is the National Wildlife Refuge Fund, and we agree with you, Mr. Chairman, that the Administration's proposal to eliminate the discretionary funding of that program should be reversed, and we would recommend funding at the fiscal year 2010 enacted level.

Now, EPA's programs make important contributions to the Nation's conservation agenda. National estuary, wetland and watershed programs protect vital resources essential to community health and economic prosperity. The agency's targeted geographic programs support scientific research, planning and cost-effective actions to improve water quality and restore aquatic ecosystems. We support the request for the water ecosystem and geographic programs including the Great Lakes, Chesapeake Bay and also Puget Sound.

So thank you for the opportunity to present our recommendations, and I would be delighted to answer any questions you may have.

[The statement of Tom Cassidy follows:]



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**Statement of The Nature Conservancy
Fiscal Year 2011 Interior, Environment and Related Agencies Appropriation
Committee on Appropriations, U.S. House of Representatives
March 28, 2011**

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for Fiscal Year 2012 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Land Programs. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

This is an unusual budget year and a challenging fiscal environment. The Conservancy recognizes that there is a need for fiscal austerity. However, we do not believe that conservation programs should suffer from disproportionate and extreme reductions, as did important wildlife and land conservation programs in the House passed H.R. 1. Our budget recommendations this year do not exceed the President's budget request except for a few instances in which we recommend FY10 funding levels. Moreover, as a science based and business oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future that will reduce risks and ultimately save money based on the tangible benefits natural resources provide each year to the American people. We look forward to working with you, Mr. Chairman, and Members of the Committee, as you address the ongoing needs for conservation investments to sustain our nation's heritage of natural resources that are also important to the economic vitality of communities across this country.

Land and Water Conservation Fund (LWCF). The Conservancy is an enthusiastic supporter of the President's request to fully fund the Land and Water Conservation Fund and the mix of programs it funds. We are especially interested in the proposed competitive state-side program and would like to acknowledge the version of this proposed last year by Ranking Member Moran. We are hopeful that increased funding for LWCF can be the catalyst for the kind of cooperative and community based conservation called for in the President's America's Great Outdoors Initiative.

This year, the Conservancy is specifically supporting 29 biologically rich land acquisition projects totaling \$75.13 million. Priorities include continuing phased acquisitions of projects at OR's Hell's Canyon NRA, Montana Legacy Project, AZ's Shield Ranch, SC's Cape Romain NWR and the Silvio O. Conte NFWR. We are also pleased to support the Administration's proposals for investing in conservation easements on the working ranches of the KS's Flint Hills Legacy Conservation Area and MT's Rocky Mountain Front Conservation Area. Both of these projects exemplify landscape scale conservation through the cost effective means of conservation easements.

Forest Legacy. We support \$150 million for this program, and are specifically supporting 9 projects totaling \$26.485 million. We hope this year to complete the phased acquisition of KY's Big Rivers Corridor, the #1 ranked project, ID's Boundary Connections project and the phased acquisitions of NY's Follensby Pond, TX' Longleaf Ridge and TN's Northern Cumberlands.

Endangered Species. The Conservancy enthusiastically supports the President's request of \$100 million for the Cooperative Endangered Species Conservation Fund (CESCF). The Conservancy and its partners have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species and, thus, to help avoid conflicts over ESA issues. It has been an important catalyst for several local government led Habitat Conservation Plans that facilitate urban development and streamline permitting of essential transportation and energy infrastructure. In one part of Riverside County CA alone, a single HCP has facilitated development of transportation infrastructure that alleviates congestion and creates jobs in this rapidly growing area. The plan facilitates development on over 700,000 acres through acquisition of 153,000 acres in new conservation lands. In recent years, CESCF funds have also been used to provide permanent habitat protection through conservation easement on high-priority private lands, such as in Northern Idaho's Kootenai Valley, providing a critical link between higher elevation public lands of the Selkirk Mountains and Montana's Blackfoot Valley. We also support continued funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans in this region.

Climate Change. Fish, wildlife, and their habitats are and will continue to be profoundly impacted by climate change, regardless of our successes in reducing greenhouse gas emissions. If we are to get out ahead of such change to avoid disastrous losses in critical habitat and the species that depend on that habitat, we must develop the place-based science to make informed, cost-effective management investments. The Conservancy appreciates the President's commitment to respond to the global climate challenge, and this Committee's sustained leadership in supporting cooperative, science-based programs to respond to the global climate challenge help ensure resilient land and seascapes. In particular, we welcome this Committee's commitment to both the USGS-led Climate Science Centers and DOI's Landscape Conservation Cooperatives. The investments to date have catalyzed a critical program of work that will require continuing support as our knowledge and understanding of adaptation needs grow.

Wildland Fire Management. We appreciate the Committee's continued attention to proactive management to reduce fuels and protect communities from damaging fire. We support the long-overdue step of creating a separate budget for Hazardous Fuels Reduction in the Wildland Urban Interface (WUI) and in the Wildland. We also support continued use of the FLAME Account to ensure there is adequate funding for high-cost wildfire seasons.

Integrated Resource Restoration. The Conservancy supports the President's FY12 proposal for the U.S. Forest Service's Integrated Resource Restoration budget and notes the significant improvements over the FY11 proposal. We strongly support full funding

of \$40 million for the Collaborative Forest Landscape Restoration Program. We also support creation of the Restoration and Management of Ecosystems line item with \$659 million by combining a variety of programs that were formerly separate functions, including Wildlife and Fisheries Habitat Management, Forest Products, Hazardous Fuels Reduction in Wildlands, and post-fire Rehabilitation and Restoration. Separate funding for these and other activities led to inefficient, uncoordinated activities in wildlife, fisheries, timber, water source improvement, fuels reduction, and post-fire rehabilitation that did not necessarily contribute to restoration goals. This new budget will enhance the Forest Service's ability to provide and measure important natural services, such as clean and abundant water, renewable energy from biomass, restored wildlife and fish habitat, and reduced risk of damaging wildfire in overgrown forests.

Forest Health Management. America's forests are threatened by a growing number of non-native pests and diseases. The Conservancy appreciates the Committee's leadership in consistently providing funding above the President's request. The Forest Health Management program should receive an increase to the FY10 level of \$138 million to effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, thousand-canker disease (threatening walnut trees), and the goldspotted oak borer.

Forest Service Research Program. We support the President's request for the Forest Service Research program to maintain funding of research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, goldspotted oak borer, and other non-native forest pests and diseases.

State Wildlife Grants. The Conservancy endorses the Teaming with Wildlife Coalition's support of the President's request. Strong federal investments are essential to ensure strategic actions are undertaken by state and federal agencies and the conservation community to conserve wildlife populations and their habitats. We also strongly support the proposed \$20 million competitive grant program as a subset of the program.

National Wildlife Refuge Fund. The Conservancy shares the Chairman's concern that the Administration's request eliminates the discretionary funding of this important program that offsets the loss of tax revenues to counties due to the refuge system. We recommend funding this program at the FY10 enacted level.

Migratory Bird and Partnership Programs. The Committee has consistently provided vitally important investments for a number of migratory bird programs. Such investments are essential to reverse declines in bird populations through direct conservation action, monitoring and science. We urge the Committee to fund the President's request for such established and successful programs as the North American Wetlands Conservation Act (NAWCA) and the Joint Ventures, and the Migratory Bird Management Program. We support the President's request for the FWS Coastal Program and Partners for Fish and Wildlife Program and request \$10 million for the National Fish Habitat Initiative.

International Programs. There are large unmet needs for international conservation. When well-managed, conservation contributes much too human welfare in the developing countries and globally. Recognizing that the current fiscal situation requires a

measure of austerity, we support the President's request for the FWS' Multinational Species Conservation Funds, the international wildlife trade programs, Wildlife Without Borders and the Neotropical Migratory Bird Conservation Fund. Each of those programs face substantial cuts from the FY10 enacted levels. We also support a line item and funding for the U.S. Forest Service's International Programs at its FY10 enacted level of \$9.818 million.

Bureau of Land Management Climate Change, Ecoregional Assessments & Resource Management. The Conservancy supports the Administration's recommended funding for BLM's Climate Change Adaptation Initiative. This will enable completion of ecoregional assessments, a key information tool for the agency to respond to the growing challenges of climate change and energy development. We also recommend robust funding for BLM resource management and transportation planning activities. These funds are needed to complete ongoing planning efforts and to initiate new planning efforts in key places, without which the agency cannot make informed mitigation and siting decisions for traditional and renewable energy proposals and take the management actions necessary to improve priority wildlife and aquatic habitats, ensure water quality, control invasive species and manage off-road vehicle use. BLM should also be encouraged to use existing data sets when available so that funding can be focused on critical data needs instead of creating duplicitous data sets.

USGS – Water Resources. We support increased funding levels for the National Streamflow Information Program and the Cooperative Water Program, including work on water availability studies and work to implement a national water use and assessment program. As climate change, drought and population growth increase the demands on water resources, it is critical to invest in the integration of state and federal water resource data and to better understand water needs of human communities and the environment.

Environmental Protection Agency. EPA's programs make important contributions to the nation's conservation agenda. National estuary, wetland, and watershed programs protect vital water resources that are essential to community health and economic prosperity. Targeted geographic programs support scientific research, planning and cost effective actions to improve water quality and restore aquatic ecosystems. Targeted grant programs provide funding for states and localities to proactively protect their water supplies through traditional infrastructure improvements and through innovative green infrastructure protection strategies that are more cost-effective in the long run. We support the President's request for EPA's Water Ecosystem Programs and Geographic Programs, including the Great Lakes, Chesapeake Bay, Puget Sound, as well as the estuary and wetlands programs, and the Sustainable Community/Ecosystem research. We also support the President's request for the Clean Water State Revolving Fund and Categorical Grants for Non-Point Source and Pollution Control, with the added recommendation that the Agency allocate a significant portion of these funds to State and local projects that achieve habitat protection and restoration in aquatic ecosystems.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY 2012 Interior, Environment and Related Agencies appropriations bill.

Mr. SIMPSON. Thanks, Tom. I appreciate you being here today. We look forward to working with you as we put together the 2012 budget once we know what our numbers are going to be. I suspect they are not going to be pretty, but we look forward to working with you to make sure we address the high priorities within these agencies.

Mr. CASSIDY. Thank you, Mr. Chairman.

Mr. MORAN. Thank you, and thanks for all you do, Tom, on behalf of the Nature Conservancy. It is a great organization with great people.

Mr. CASSIDY. Thank you, Congressman.

Mr. SIMPSON. Next we have John Turner, past President and CEO and former Director of the Conservation Fund. How are you doing today?

Mr. TURNER. Good morning.

Mr. SIMPSON. Good morning.

FRIDAY, APRIL 15, 2011.

THE CONSERVATION FUND

WITNESS

JOHN TURNER, PAST PRESIDENT AND CEO, FORMER DIRECTOR, THE CONSERVATION FUND, FWS

Mr. TURNER. Mr. Chairman and Congressman Moran, a long-time friend, Congresswoman Lummis, I certainly appreciate the opportunity to appear before you this morning with other colleagues from the land conservation community.

I am honored to represent The Conservation Fund, a national advocacy nonprofit that has rather a unique mission statement, conservation and economic development, but with federal, state and local landowner partners we have protected some 7 million acres across this great country of ours in the last 35 years.

As a native Westerner, my testimony attempts to draw attention to what are some very special projects in eastern Idaho, Montana, Wyoming with some in Texas and the Southwest, and I might interject, Mr. Chairman, you asked about the concern in the West about the expansion of federal lands. I think one excellent tool, it is my hope that this Congress could reauthorize the Federal Land Transaction Facilitation Act, which allows the federal agencies to take fragmented pieces of land and sell those, use those receipts to buy priority conservation lands.

I would mention some other projects but as addicted fly fisherman and old river guide, I would like to draw attention this morning to three ongoing projects that are helping to protect three of the finest riparian river corridors and wild trout fishery found anywhere on the globe, and you mentioned one, Mr. Chairman, the Henry and South Fork of the Snake where a decade of work has protected some 14 miles of that great stretch. Second would be the North Platte River near Casper, Wyoming, which has more big wild trout per mile than anyplace in the country. And the third would be the Upper Snake River and associated lands in Grand Teton National Park. These are ongoing efforts where years of work have been done and we have willing landowners and great opportunity.

I do want to take this opportunity to personally invite you, Mr. Chairman, or any members of the committee to come out and visit that landscape, perhaps get in a drift boat and float these wonderful river stretches.

Mr. SIMPSON. I want to go see that one that has more trout per mile than any other stream. Are they smart trout?

Mr. TURNER. They are smart trout.

Mr. SIMPSON. Uh-oh.

Mr. TURNER. It is certainly one of the great fisheries is the South Fork of the Snake that I am pleased to enjoy.

Mr. MORAN. Until Chairman Simpson gets there, and then they don't have the most trout.

Mr. SIMPSON. It is a humbling experience to go out and try to outsmart a fish and lose.

Mr. TURNER. Well, thank you for sharing that resource with those of us in Wyoming as we are happy to share the Tetons with you and your constituents.

Mr. Chairman, I do want to take this morning's opportunity to comment on what I think you appropriately drew attention to, the severe fiscal crisis facing this country and the daunting challenge this committee has in funding our federal need. It is my hope that we can as a Nation sustain the country's great land conservation legacy. But personally, I do not see how we can afford to sustain this great tradition without seriously addressing what Chairman Ryan calls the main drivers of our deficit challenge and these drivers, I agree, are the major entitlement programs of the country. As one of the few who might appear before you here on the panel that has finally aspired to the chronological category of senior citizen and one that believes himself to be a fiscal conservative and conservationist, I strongly support the long-term efforts to make major revisions to Social Security and Medicare and Medicaid. I simply think we must do this if we believe we can continue to invest adequately on behalf of today's and tomorrow's children in conserving watersheds, wildlife habitat, parklands, forests, outdoor recreation and working landscapes, farms and ranches and open space.

As we are all aware and has been mentioned, many of these programs represent dedicated funding sources and embrace the economically sound strategy of taking revenues from our non-renewable, depletable equity base and reinvesting these receipts into renewable equities such as parklands, watersheds, wildlife resources, forests, recreation areas and working landscapes. These renewable equities then provide economic and job benefits for decades and hopefully centuries to come.

In summary, Mr. Chairman, I would hope we could all agree that conserving natural landscapes and wild resources for their own intrinsic value and making these available to all our citizenry was uniquely an American idea. This wonderful legacy defines us truly as Americans. It has been one of our great gifts to the global community. With your help, it is my hope that we can continue this unsurpassed legacy for future generations. Thank you.

[The statement of John Turner follows:]

**Testimony of John F. Turner, former President and CEO,
The Conservation Fund
before the
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives**

April 15, 2011

Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, I appreciate the opportunity to testify in support of full funding of the FY 2012 budget request for the Land and Water Conservation Fund (LWCF), the Forest Legacy Program (FLP) and several other land acquisition programs. From 1993 to 2001, I served as President and CEO of The Conservation Fund (TCF) and I am testifying on its behalf. Prior to my work at TCF, I served as the Director of the U.S. Fish and Wildlife Service during the Administration of President George H.W. Bush. For President George W. Bush, I also had the honor to lead U.S. environmental policy at the State Department as Assistant Secretary for Oceans, Environment and International Scientific Affairs at the U. S. State Department. A wildlife ecologist by training, I reside in Jackson Hole, Wyoming, where my family operates the Triangle X Guest Ranch.

The Conservation Fund (TCF) is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners, federal, state and local agencies, and other partners to conserve our nation's important lands, for people, wildlife and communities. As a member of the LWCF Coalition, TCF supports the Coalition's funding goals outlined in testimony presented separately to the Subcommittee. To date, TCF has helped our partners to conserve nearly seven million acres, including some of Wyoming and Idaho's most important natural and historical treasures.

These accomplishments are due, in large measure, to the leadership of this Subcommittee over many years to appropriate funds to federal agencies to acquire lands for future generations. Mr. Chairman, I wish to congratulate you on your appointment to head this Subcommittee and commend you for your public service to advance our nation's great conservation legacy.

As a lifelong westerner, I plan to highlight some benefits of the LWCF and Forest Legacy Projects in eastern Idaho, Wyoming, Montana, as well as in Texas and the Southeast. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common – each of these projects is driven by landowners. Many farmers and ranchers have significant financial equity in their land. By enabling a farmer or rancher to sell a conservation easement or fee title, federal land conservation funding provides ranchers and other landowners with funds to stay in business, reinvest in their agricultural operations or meet other financial goals. This is especially true in our work with the Bureau of Land Management (BLM) on the Upper Snake/South Fork Snake River in Idaho.

Upper Snake/South Fork Snake River ACEC -- \$6.0 m. I grew up fishing on the Snake River, both in Wyoming and the Henry's Fork and South Fork in eastern Idaho. These are also favorite fishing stretches for my fly fishing partner, former Vice President, Dick Cheney. As you

are well aware, river recreation is part of the life blood of the west and the economic well being of many of our communities. Thanks to your support for the BLM's land acquisition program, the public can enjoy some of the nation's best fishing on the Upper Snake/South Fork, just downstream from my home town. We support full funding of the President's FY 2012 budget request of \$6.0 million to enable the BLM to purchase conservation easements from local farmers and ranchers, on a willing seller basis, to conserve high value Snake River properties. Through the purchase of these easements, the BLM can protect the South Fork of the Snake River's outstanding water quality, cold-water fishery, scenic beauty and recreational fishing opportunities, while keeping these working agricultural lands on the county tax rolls.

Through our family rafting business on the Snake River and our visitors to our guest ranch, I know first hand that the Upper Snake/South Fork's recreational opportunities generate significant economic benefits to the regional economy. From a biological perspective, the South Fork's riparian habitat features extensive cottonwood galleries that provide habitat for a rich diversity of wildlife species.

North Platte River Special Recreation Management Area, Wyoming -- \$1.0 m. Located near Casper, the North Platte River features some of the best fishing in the country and supports the highest pounds of trout per mile of any stream in Wyoming. Full funding of the BLM's FY 2012 \$1.0 m. budget request will enable the BLM to acquire a portion of a 380-acre tract from TCF. If approved, these funds will help conserve river frontage, provide local residents and visitors with over one mile of fishing access along the North Platte, promote water quality and benefit local small businesses. According to a recent study, the average group of visitors contributes \$500 per day to the local economy, with the majority of visitors coming to Casper to fish.

Because most of the land along the Gray Reef stretch is privately-owned, the public currently has very limited access to this world-class fishing resource. With an increase in annual visitor use from 30,000 to over 150,000, Congressional approval of LWCF funding would help meet the growing demand for access and conserve this vitally important fishing resource. This project builds on the successful completion of two other undertakings and will strengthen a partnership with local landowners, fishing organizations, the BLM and the State to conserve this resource.

Grand Teton National Park, Wyoming -- \$15.0 m. Mr. Chairman, I have spent a major portion of my life in and around the Tetons. Along with millions of other Americans, I marvel at their unsurpassed natural splendor. I would like to personally invite you, and other members of the Subcommittee, to come visit Grand Teton National Park this summer to see and enjoy this spectacular region. To conserve these important resources, I support full funding of the President's FY 2012 LWCF request of \$15.027 million for Grand Teton. TCF is working closely with local landowners to enable the National Park Service to acquire the Snake River Ranch III property, one of the park's top land acquisition priorities. It is located strategically at the southern entrance to the park at Granite Creek. Over three million people visit the park for its stunning views, abundant wildlife and recreational opportunities. Protecting the Snake River Ranch, one of the last few remaining inholdings in the park, would help complete the significant public investment made in expanding the park for the benefit of the nation. We also believe that the acquisition of the Wyoming State School Lands would provide significant public benefits to the nation, and to the people of Wyoming. The park and its scenic grandeur contribute

significantly to our guest ranch business and the region's tourist economy, providing tens of thousands of jobs in the surrounding area.

Devils Tower National Monument, Forest Legacy Project -- \$2.0 m. Designated as the nation's first National Monument in 1906 by President Theodore Roosevelt, Devils Tower dominates the surrounding landscape. However, the Monument itself is quite small and is surrounded by private forestlands. To conserve land at the base of the Monument, TCF is working with the State of Wyoming and a local ranch family to help achieve the family's longstanding goal of permanently conserving their ranch. Through the Forest Legacy Program, the U.S. Forest Service (USFS) has requested \$2.0 million in the FY 2012 President's budget to provide a grant to the State of Wyoming to acquire a conservation easement. If approved, this funding would leverage additional state and private donations to conserve the viewshed looking towards the nation's first national monument and preserve a centennial ranch in one of Wyoming's most iconic valleys.

Rocky Mountain Front Conservation Area, Montana -- \$8.0 m. As a former director of the U.S. Fish and Wildlife Service (FWS), I have a deep appreciation and benefits of the FWS's land acquisition program for wildlife, water quality and wildlife-based outdoor recreation. TCF is working in close partnership with the FWS, The Nature Conservancy and local ranchers to acquire conservation easements along the Rocky Mountain Front, a spectacular range that runs from just north of Helena to Glacier National Park. Through this voluntary conservation project, LWCF helps local ranchers expand and strengthen their ranching operations while conserving vital wildlife habitat for grizzly bear, and a range of other important species. TCF and its partners are raising tens of millions of private philanthropic dollars to further advance this effort for ranching families and wildlife and to leverage limited federal funding.

Neches River National Wildlife Refuge, Texas -- \$11.0 m. In 2006, the FWS established the Neches River NWR to protect habitat for migratory birds of the Central Flyway and bottomland hardwood forests for their diverse biological values, water quality benefits and wetlands functions, as well as to provide for compatible wildlife-dependent recreation opportunities. I respectfully request the Subcommittee's support for full funding of the \$11 million FY 2012 budget request for the Neches River NWR. The refuge boundary includes 25,000 acres of river bottomlands and upland pine/hardwood ecosystems, along with 38 miles of Neches River frontage. At the request of the FWS, TCF acquired a 6,715-acre tract, formerly owned by a timberland investment company that features eight miles of Neches River frontage, dense bottomland hardwood forest, and numerous oxbows and ponds. The FWS has an approved appraisal of the property and TCF has raised significant private funds to provide excellent leverage for the requested federal funds.

Rocky Fork/Cherokee National Forest, Tennessee -- \$5 million. As our nation commemorates the centennial of the Weeks Act of 1911, I would like to highlight several high priority USFS projects in the Southeast. For several years, the USFS has identified the Rocky Fork project as its top land acquisition priority in the country and has included \$5 million in its FY 2012 budget request to Congress. In 2008, TCF acquired the Rocky Fork property which is situated along the Tennessee-North Carolina border near Johnson City and Asheville. Named after the creek that flows from the property, Rocky Fork features exceptional water quality with

over 16 miles of Blue Ribbon trout streams that support native brook trout. To date, the Subcommittee has provided over \$19.4 million in federal appropriations. Coupled with \$9 million in state and private funding (in hand), along with other pending funding requests, the USFS can complete this approximately \$40 million project with FY 2011 funds (\$6 million) and full funding of the FY 2012 request (\$5.0 m.). Completing the project this year will protect water quality and quantity in the Nolichucky River watershed, ensure continued public access for fishing, hiking, hunting and other activities and preserve important habitat for black bear, turkey, deer and grouse. With bipartisan support from the Interior subcommittee, Tennessee and North Carolina congressional delegations and a partnership with the Appalachian Trail Conservancy and Southern Appalachian Highlands Conservancy, we can complete this project this year.

North Carolina Threatened Treasures/National Forest System -- \$3.576 m.

The 753-acre Backbone Ridge project is located near the Blue Ridge Parkway, Grandfather Mountain State Park and surrounded on three sides by the Pisgah National Forest adjoining the Forest for almost ten miles. The property will provide a gateway for hiking in a network of protected federal and state lands. At a total acquisition cost of \$9 million, Backbone Ridge is a keystone property located only four miles from Blowing Rock and directly within the viewshed of the Blue Ridge Parkway. The USFS is seeking \$4.5 million over several years to acquire a portion of the property, while the State of North Carolina seeks to acquire the balance as a state forest. Protecting the property would conserve 57,000 feet of streams and 585 acres of riparian buffers. TCF is working with the Trust for Public Land, Southern Appalachian Highlands Conservancy and Carolina Mountain Land Conservancy to secure funding for Backbone Ridge and several important projects proposed for these funds.

Priority Land Acquisition Programs. In addition to these federal LWCF projects, we wish to highlight several other priority funding programs and encourage the Subcommittee to give consideration to fully funding the President's FY 2012 budget request for:

- NPS state LWCF grant program -- \$200 m.
- North American Wetlands Conservation Act (NAWCA) grants -- \$50 million
- USDA-Forest Service Community Forest program -- \$5 m.
- Section 6 Cooperative Endangered Species Conservation Fund -- \$100 m.

Federal Land Transaction Facilitation Act Reauthorization. We appreciate the Subcommittee's support last year of a one year extension of the Federal Land Transaction Facilitation Act (FLTFA), to complement the LWCF program. FLTFA gives BLM and the other federal land management agencies an important funding tool that uses a "land for land" approach. FLTFA enables the agencies acquire critically important tracts of land from private willing sellers for fish and wildlife conservation, cultural and historic preservation and outdoor recreation in the West, through the disposal of non-strategic BLM lands which in turn benefits local economies. TCF and other organizations are currently working with the House Natural Resource Committee to extend the FLTFA program this year, when it expires in July 2011.

Thank you for this opportunity to testify and for your favorable consideration of the LWCF program which will leave a legacy to future generations, conserve America's unsurpassed natural heritage and support the economies of many communities across our great land.

Mr. SIMPSON. Thank you, and I will see you out on one of those streams.

Mr. TURNER. I look forward to joining you out on the river.

Mr. SIMPSON. We will do it. Thank you.

We next have Jeff Trandahl, the Executive Director of the National Fish and Wildlife Foundation. Welcome back.

FRIDAY, APRIL 15, 2011.

NATIONAL FISH AND WILDLIFE SERVICE

WITNESS

JEFF TRANDAH, EXECUTIVE DIRECTOR, NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. TRANDAH. Thank you. It is always good to see you, and it is wonderful actually following a gentleman from Wyoming, being a boy from South Dakota, and welcome to the subcommittee.

I just want to start off and say I know it has been a very bumpy ride the last couple of months for everybody here on the subcommittee and the staff, and we appreciate and we want to thank you guys because despite all the challenges out there, the best that could be done has definitely been done and, you know, there is a tough road ahead and we are all here in partnership to work with everybody to try to make it all come together.

As most of you are very familiar, we are a foundation that was actually created by you, Congress, back in 1984 at a very similar financial time where the government was losing resources and the concept was to set up a foundation that could go out and privately leverage up alongside those federal resources in order to accomplish a lot of goals all of us wish to see done.

I am mainly here to basically reaffirm three items in the President's budget that has come before you. One is \$8.5 million in the Fish and Wildlife Service budget, \$3 million in the Bureau of Land Management budget and \$3 million in the Forest Service budget which would come to the foundation. By law, we are required to leverage that money at least one to one. As most of you know, we managed last year about \$40 million in federal money. We leveraged it up to about \$180 million. So we are actually achieving at more than a three to one. A lot of you are also familiar in terms of what we did down in the Gulf, all with 100 percent private dollars, nearly \$25 million that we were able to put in during the response itself in order to prevent wildlife losses down there, which was great.

The other thing I would say to the subcommittee is, I am always the optimist, and the foundation, as you know, has been growing the last five years. We have been growing roughly about 20 percent a year. And as the economy is coming back, even though the economy went down there, we continue to grow and we continue to see incredible, incredible private philanthropic dollars that are out there, and that seed money that you provide us, we feel very confident not only can we continue to build and move this thing forward but just even a few months ago I actually achieved the largest individual private contribution we have ever gotten into the foundation, and that was a \$20 million gift from a private indi-

vidual, and that is going to focus on a conservation need that a lot of us do not know much about which is seabirds, but they are one of the most imperiled species on earth and we have seen about a 90 percent decline in the Pacific over the last decade, and if we do not address the issue now, which the Fish and Wildlife Service and NOAA clearly do not have the resources to do, it will become an enormous issue economically so that one gift we will be able to leverage into \$25 million to \$30 million from the foundation and hopefully we will do what we have been able to do in the past, which is to take a large environmental issue like that, check the box, get the recovery under way and everybody move forward without anything having to be disrupted.

With that, I will turn it over to you to drill me with questions.
[The statement of Jeff Trandahl follows:]

TESTIMONY OF JEFF TRANDAH, EXECUTIVE DIRECTOR,
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES REGARDING
**FY 2012 BUDGET FOR THE U.S. FISH AND WILDLIFE
SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE**

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2012 funding for the National Fish and Wildlife Foundation (Foundation). **The Foundation's FY 2012 appropriations request will be matched dollar for dollar with non-federal funds to conserve fish, wildlife and their habitats through local partnerships.** We believe that the Foundation is a sound investment in a time of constrained budgets because of our proven track record and statutory requirement to leverage federal funding with private contributions to maximize conservation benefit. We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- **\$ 8.537 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;**
- **\$ 3 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and**
- **\$ 3 million through the Forest Service's National Forest System appropriation.**

Since its inception, the Foundation has leveraged nearly \$530 million in federal funds into \$1.8 billion in on-the-ground and in-the-water conservation with less than 5% aggregate overhead to the federal government and fewer than 100 staff nationwide.

The Foundation was established by Congress in 1984 to foster public-private partnerships to conserve fish, wildlife and their habitats. The Foundation is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes.

Last summer, the Foundation was able to immediately respond to the Gulf disaster through our existing partnerships and grantee network. We provided assistance to our federal agency partners and began fundraising for projects to safeguard the populations of species most at risk from the Gulf oil spill. Through philanthropic contributions by BP and WalMart, the Foundation provided nearly \$10 million in non-federal funds for projects to reduce the losses and bolster populations of migratory birds and sea turtles in the Gulf region. In addition, as an in-kind donation, the Foundation worked with FedEx to transfer 25,000 sea turtle eggs and their nests from Gulf beaches to the east coast of Florida. The Foundation will announce an additional \$10 million of Gulf projects in April 2011 that focus on migratory birds, sea turtles, oysters, and other marine species and their habitats.

With your support, FY 2012 funds will support our long-standing partnerships and new initiatives with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Several of our priority initiatives for FY 2012 are described below.

Fish Habitat Restoration

In cooperation with FWS, BLM, and FS, the Foundation provides community-based grants to assist rural communities, farmers, ranchers and other private landowners with restoring habitats that are essential for native fish species and their migration corridors. To the extent possible, the Foundation is also partnering with the National Oceanic and Atmospheric Administration and USDA's Natural Resources Conservation Service on these efforts, and successfully leveraging federal support with corporate contributions for fish habitat conservation on private and public lands. The Foundation is building on our long history in fish habitat restoration to strategically target our partnership efforts toward specific species of concern and this will continue in FY 2012 and beyond. Focal species for the Foundation's grants include: Eastern Brook Trout, Apache trout, Colorado Cutthroat trout, and Coho salmon.

Path of the Pronghorn and Sage Grouse

In 2009, the Foundation and our partners identified the Green River Basin of Wyoming (Basin) as a priority area for coordinated conservation efforts. The Basin supports significant populations of sage grouse, mule deer, pronghorn and elk. These species are threatened by habitat fragmentation, subdivision and fencing of key areas that the antelope move through, mortality along increasingly busy local roads and highways, and potential conflicts with expanding energy production infrastructure on their wintering range. In partnership with FWS, BLM, and the USDA's Natural Resources Conservation Service, the Foundation has focused its grant-making on work to improve fencing so that pronghorn and other animals can migrate more easily, reducing the effects of roads on wildlife, and protecting key parcels where subdivision and development will imperil the entire migration corridor.

Chesapeake Bay, Great Lakes, and Long Island Sound

Watershed health plays an important role in fish and wildlife conservation and has been a feature of the Foundation's grantmaking since establishing our partnership with the Environmental Protection Agency (EPA) in 1998. In the last decade, the Foundation has formed strategic public-private partnerships to restore and protect fish and wildlife habitat while improving water quality in the Chesapeake Bay, Great Lakes, and Long Island Sound. Federal partners in the programs include EPA, Department of Interior agencies, Forest Service, USDA's Natural Resources Conservation Service, NOAA, and others. The Foundation leveraged various federal funds for these partnerships but, more importantly, attracted private contributions from corporations and other private foundations. The Foundation's watershed grant programs continued positive results in 2010 with priority project requests far exceeding available funds.

Youth in Natural Resources

The Department of Interior's FY 2012 budget request includes \$2 million, split between FWS and BLM, for the Foundation to establish a competitive grant program for youth conservation job programs. With the movement of Americans to urban areas and more indoor recreational pursuits, America's youth are developing a gap in their knowledge of fish and wildlife and the

need for natural resource conservation. **Through this unique initiative, local organizations will develop employment programs that foster a conservation ethic, expose youth to career opportunities in the conservation community, and ultimately cultivate future generations of wildlife professionals.**

The Foundation will work with FWS and BLM to develop a public-private partnership by leveraging the Federal funding with at least an equal amount of privately financed contributions. Funds will be awarded to Refuges, Fish Hatcheries, Friends groups, BLM field offices, Youth Conservation Corps, non-governmental organizations and others who seek to develop innovative conservation employment opportunities for youth. Wildlife habitat conservation education will be an integral aspect of this grant program and the Foundation will partner with the Department of the Interior's National Conservation Training Center to develop learning goals, curricula, and other training material that can be integrated into job programs.

Conclusion

NFWF has a 27-year history with the Department of Interior and has been successful in bringing together public and private partners to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. The Foundation has partnerships with 14 federal agencies and more than 50 corporations and private foundations. We have a successful model of coordinating and leveraging federal funds and attracting support from the private sector to form public-private partnerships for fish and wildlife conservation.

We are working directly with the federal agencies and our other partners to maximize results and produce sustainable conservation outcomes. To that end, the Foundation is incorporating monitoring and evaluation into our programs to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. We look forward to building on our partnerships with FWS, BLM and FS in FY 2012 and appreciate the Subcommittee's continued support of these collaborative efforts.

Background on National Fish and Wildlife Foundation

As of FY 2010, the Foundation has awarded over 11,000 grants to national and community-based organizations through successful partnerships with the Department of Interior Agencies, USDA's Forest Service and Natural Resources Conservation Service, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and others. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement coordinated conservation strategies in all 50 states.

The Foundation's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are also reviewed by the Foundation's issue experts, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision. Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2012.

Mr. SIMPSON. Thank you, and I know that the foundation does a great job in leveraging money and getting private sources, and of course, we need a lot more of that, frankly, in a lot of different areas if we are going to fund a lot of these programs because, as you mentioned, the budget situation in this country is not pretty and is not anticipated to be pretty for a while. I appreciate it, Jeff. Thank you very much.

Mr. TRANDAHL. And I should mention one last little thing, which is our reauthorization is up in the other committee. I am working very hard to get the committee to get it done, and we were trying to get it done in the last Congress and obviously we were not able to get it accomplished, so I am with the staff again next week and hopefully we get it on the calendar and we do not see an issue in terms of the reauthorization.

Mr. SIMPSON. Good. Thank you.

Mr. TRANDAHL. Thank you, gentlemen.

Mr. SIMPSON. Next we have Gary Werner, the Executive Director of the Partnership for the National Trails System. How are you doing this morning, Gary?

Mr. WERNER. Fine.

Mr. SIMPSON. Good.

Mr. WERNER. Good to see you again.

Mr. SIMPSON. Good to see you.

FRIDAY, APRIL 15, 2011.

PUBLIC LANDS, BLM, NATIONAL PARKS

WITNESS

GARY WERNER, EXECUTIVE DIRECTOR, PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Mr. WERNER. And I thank you, Mr. Chairman and Congressman Moran, Congresswoman Lummis for the opportunity to testify. Just as a reminder, I have for you—as you know, I represent 35 organizations that are your partners in the grand experiment of the National Trails System, and I am here to thank you, first off, for the strong support you have provided financially to the Park Service, the Forest Service and the Bureau of Land Management for helping to manage and administer those trails over the last dozen years or more but also the equally important guidance that you have provided at a number of junctures to the agencies about how they could be better partners.

As you know, the National Trails System is a rather unique public-private venture that Congress has authorized. Over the last 40 years, you have authorized 30 National Scenic and Historic Trails that span more than 50,000 miles through 49 states, and we represent your private partners in that venture. I am happy to say that in 2010, our organizations organized, motivated and guided citizen volunteers to contribute 1.1 million hours of volunteer labor valued at over \$24 million. Our organizations contributed another greater than \$12 million, a total of almost \$37 million of our effort for these trails. Congress was able to appropriate about \$29 million to the three agencies for their part. So we are truly here as your partners with a hand out saying we are here to help.

The other thing that you know is that unfortunately this wonderful system is mostly incomplete and so we need critical assistance, financial assistance in several areas. One is the operations funding for the Park Service, the Forest Service, the Bureau of Land Management. In our testimony, we are asking for a modest increase for each of those agencies.

One of the ways that we do much of our work, and we were very happy to see that the Administration decided once again that the value of the Challenge Cost Share programs for the National Park Service, the Bureau of Land Management and the Fish and Wildlife Service is really tremendous. We over the years have worked mostly Park Service Challenge Cost Share and the leverage is supposed to be one to one. I think our average has been about three to one. We have oftentimes had projects 10 to one. It is money that, as others have said, provides seed money, gets a lot of projects done in local communities but it also provides an opportunity for the communities to come out and get involved and make their contributions. So what we are suggesting is a modest increase in the amount of money beyond what the President is asking for, of up to \$4.5 million for Challenge Cost Share with \$1.5 million of that coming for the National Trails System. In the past you have guided money that way toward the trails.

Secondly, of equal importance, as a number of people have mentioned already, is the Land and Water Conservation Fund to complete critical gaps in the trails. We fully support the effort to try to fully fund it this year as the Administration is proposing. What we are specifically asking for is a total of about \$50 million spread across the Forest Service, the Park Service and the Bureau of Land Management that would among other things help protect places like City of Rocks Reserve in Idaho and a key section of the Nez Perce Trail in Hell's Canyon, a section along the Platte River near Casper for the Oregon-California Pony Express Mormon Pioneer Trail plus others in other states. We do not have any in Virginia because the AT is complete through much of Virginia. But it is critical that you continue to support those investments and help us complete the trails.

The other two things I would like to ask you about are things that do not necessarily require expending more money but they do require providing guidance to the agencies. The Bureau of Land Management budget, as you know, is divided up into sub-activity accounts. They have no sub-activity account for trails, and so to fund their efforts for the National Scenic Trails—and they have more miles of historic trails on the public land than any of the other agencies—they have to take from 18 to 20 different sub-activity accounts and it is an accounting nightmare for them, it is an accounting nightmare for us to try to match money and, you know, make things work, make plans to leverage. So we would ask you to, as I think you did last year, direct the Administration to come up with a sub-activity account for the National Trails System and for the Wild and Scenic River System.

The last item I want to mention is one that came up very strongly in the last few weeks with the budget issues in fiscal year 2011, and that is the travel ceilings for the agencies. These long-distance trails spanning thousands of miles based upon relationships with

many units of government and nonprofit partners require the ability to come and sit down as we are doing now face to face and talk to establish the kind of trust and ongoing partnerships. If the federal folks involved with the trails cannot travel, they quite simply cannot do the work that they need to do, and I am hoping that you might provide some guidance to the agencies that maybe the trails are different than parks that are all in one place and maybe it makes sense not to restrict travel from a park, but if you have got to trail along thousands of miles of trails, maybe you should not be held to the same standard, if you will.

In closing, I want to thank you all again and I do have some additional—this is a report on some of the Challenge Cost Share programs. This is a report we have done the last several years on youth activities that we are doing in the trails systems. And finally, this is our latest national newsletter, which gives you a kind of short capsule of things that are happening along the trails across the United States.

We are very proud that we are your private sector partners in a public-private venture for public benefit, and we thank you again for the longstanding support the committee has given.

[The statement of Mr. Werner follows:]



Partnership for the National Trails System

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GARY WERNER, EXECUTIVE DIRECTOR
STATEMENT TO THE

April 15, 2011

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 17 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide annual operations funding for each of the 30 national scenic and historic trails for Fiscal Year 2012 through these appropriations:

- **National Park Service: \$16.45 million** for administration of 23 trails and for coordination of the long-distance trails program by the Washington office. **Construction: \$346,000** for the Ice Age Trail and **\$200,000** for the Pacific Crest Trail.
- **USDA Forest Service: \$8.7 million** to administer 6 trails and **\$1.2 million** to manage parts of 16 trails administered by the NPS or BLM. **\$1 million** for Iditarod Trail construction
- **Bureau of Land Management: to coordinate its National Trails System Program: \$250,000;** to administer these trails: **Iditarod Trail: \$700,000**, the **Camino Real de Tierra Adentro Trail: \$230,000**, the **Old Spanish Trail: \$350,000** and to manage portions of 10 trails administered by the Park Service or the Forest Service: **\$4 million; \$3,140,000** for operating five National Historic Trail interpretive centers; **Construction: \$300,000** for the Pacific Crest Trail.
- We ask that you appropriate **\$4.5 million** for the **National Park Service Challenge Cost Share Program** and continue to direct one-third (\$1,500,000) for **national scenic and historic trails** or create a separate **\$1.5 million National Trails System Challenge Cost Share Program**.
- We ask that you add **\$500,000** to the **Bureau of Land Management's Challenge Cost Share Program** and allocate it for the **national scenic and historic trails** it administers or manages.

We ask that you appropriate from the **Land and Water Conservation Fund** for land acquisition:

- to the **Forest Service: \$6.65 million** for the **Pacific Crest Trail**, **\$1.7 million** for the **Florida Trail**; **\$3.442 million** for the **Old Spanish Trail**; **\$9.2 million** for the **Appalachian Trail**, **\$1.5 million** for the **North Country Trail**, and **\$1.4175 million** for the **Nez Perce Trail**;
- to the **Bureau of Land Management: \$3.5 million** for the **Oregon Trail** in Oregon, **\$7.5 million** for the **Pacific Crest Trail** in Oregon, and **\$1 million** for the **Oregon, California, Mormon Pioneer, and Pony Express Trails** in Wyoming;
- to the **Park Service: \$5.2 million** to grant to the **State of Wisconsin** to match state funds for the **Ice Age Trail** and **\$2 million** to grant to 7 states for the **North Country Trail**; **\$2.1 million** for the **New England Trail**, **\$2.005 million** for the **Appalachian Trail**, **\$2 million** for the **Oregon Trail** -- City of Rocks Reserve, and **\$1.17 million** for **San Antonio Missions National Historic Park** -- **El Camino Real de los Tejas National Historic Trail**.

We also ask that you appropriate from the **Forest Service Forest Legacy program \$8.730 million** to protect High Peaks in Maine along the **Appalachian Trail**.

National Park Service

The **\$16.45 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided over the past seven years. We support the Administration's requested funding for the new **Star Spangled Banner** and **Washington-Rochambeau National Historic Trails** and we request **\$400,000** for the Park Service to implement planning and administration for the **New England National Scenic Trail**.

We request an increase of **\$626,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail**, to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An increase of **\$763,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. We support the Administration's requested increases of \$282,000 for the **Juan Bautista de Anza** and \$147,000 for the **Ala Kahakai Trails**. We request a further increase to **\$400,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

We support the Administration's requested funding of **\$1,708,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **\$1,483,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. This funding will also enable the Park Service to move the administrative office for the North Country Trail to Michigan for more efficient and effective collaboration with the North Country Trail Association. The **\$1,399,000** we request for the **Ice Age Trail** includes a **\$550,000** increase to enable the Park Service to develop and begin to implement an Interpretive Plan, to complete trail route planning, and to support stewardship by Ice Age Trail Alliance staff and volunteers of lands acquired for the trail.

Construction: We request that you appropriate for trail construction projects **\$346,000** for the **Ice Age Trail** and **\$200,000** for the **Pacific Crest Trail** in the national parks crossed by the trail.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership's member organizations applaud the Administration's decision to restore these highly effective programs of the **Park Service, Bureau of Land Management, and Fish and Wildlife Service**. We request that you **fund all of them** and appropriate **\$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY12 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the \$4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you create a separate **National Trails System Challenge Cost Share** program with **\$1.5 million** funding.

We support the Administration's requested **\$947,000** for the **Connect Trails to Parks** project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

USDA - Forest Service

As you have done for several years, we ask that you provide additional operations funding to the **Forest Service** for administering five national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate **\$8.7 million** as a separate budgetary item specifically for the

Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail within the over-all appropriation for **Capital Improvements and Maintenance for Trails**. Full-time managers have been assigned for each of these trails by the Forest Service. Recognizing the on-the-ground management responsibility the Forest Service has for **838 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **\$1.2 million specifically for these trails**.

Work continues, supported by funds you provided over the past ten years, to close several major gaps in the **Florida Trail**. In 2010 Florida Trail Association volunteers maintained 1,322 miles and completed 8 major construction and restoration projects along the Trail. The Partnership's request of **\$8.7 million** above includes **\$2.5 million** to enable the Forest Service and FTA to continue this maintenance, to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new Florida Trail land.

The Partnership's request of **\$8.7 million** above also includes **\$2.3 million** for the **Pacific Crest Trail**, **\$2 million** for the **Continental Divide Trail**, **\$1 million** for the **Pacific Northwest Trail**, **\$640,000** for the **Nez Perce Trail**, and **\$239,000** for the **Arizona Trail**. We also request **\$1 million** of additional funding for construction of sections of the **Iditarod Trail**.

Bureau of Land Management

While the **Bureau of Land Management** has administrative authority only for the **Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails**, it has on-the-ground management responsibility for **641 miles** of five scenic trails and **3,115 miles** of eight historic trails administered by the National Park Service and U.S. Forest Service. The bureau recognized the significance of these trails by including them in the **National Landscape Conservation System** and, for the first time, in FY02, by providing funding for each of them. The Partnership applauds these decisions of the Bureau and encourages its staff to budget specific funding for each of these trails.

We support the Administration's increase of **\$15 million** in **base funding** for the **National Landscape Conservation System** and ask that you appropriate as **new permanent base funding \$250,000 for National Trails System Program Coordination, \$700,000 for the Iditarod Trail, \$230,000 for El Camino Real de Tierra Adentro Trail, \$350,000 for the Old Spanish Trail, and \$4,000,000** for management of the portions of the ten other trails under the care of the Bureau of Land Management. We request **\$300,000** for maintenance of the **Pacific Crest Trail**; and **\$3,140,000** to operate **five historic trails interpretive centers**.

We ask you to **fund** the Bureau's **Challenge Cost Share** program and to add **\$500,000** directed for projects for the National Trails System as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY11 and to direct the Bureau to include unit-level allocations by **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the monuments and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY12. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new National Landscape Conservation System activity account. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

Land and Water Conservation Fund

The Partnership applauds and supports the Administration's intention to provide **full funding of \$900 million for the Land & Water Conservation Fund**. We request that you provide robust and consistent funding to keep on a trajectory to achieve annual full funding for the **LWCF** and that you make the specific appropriations for **national scenic and historic trails** detailed at the beginning of this statement and below.

FOREST SERVICE: The **\$6.65 million** we request for the **Pacific Crest Trail** will continue to support the acquisition underway by the **Forest Service** Lands Team and the **Park Service** National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The **\$1.7 million** requested for the **Florida Trail** will continue another successful collaboration between these two agencies to protect 30 tracts and 3.4 miles of the Trail along the Suwanee River. We request **\$3.442 million** to protect a stretch of the **Old Spanish Trail** in the Carson National Forest, **\$9.2 million** to protect sections of the **Appalachian Trail** in the Cherokee and Pisgah National Forests and **\$1.5 million** to buy land for the **North Country Trail** in the Hiawatha and Ottawa National Forests. We also request **\$1.4175 million** to acquire land in Hell's Canyon of the Snake River in Oregon to protect sites along the **Nez Perce Trail**.

BUREAU of LAND MANAGEMENT: We request **\$6 million** for the Cascade Siskiyou National Monument and **\$1.5 million** for Porcupine Mountain that will preserve sections of the **Pacific Crest Trail** in Oregon, **\$3.5 million** to purchase land along the Big Sandy River in Oregon for the **Oregon Trail**, **\$1 million** to protect sections of the **Oregon, California, Mormon Pioneer, and Pony Express Trails** along the Platte River in Wyoming.

PARK SERVICE: The National Trails System Act encourages states to assist in the conservation of the resources and development of the national scenic and historic trails. Since FY2000 **Wisconsin** has matched \$13.6 million Federal LWCF funding with \$27.7 million to help protect 67 miles of the **Ice Age National Scenic Trail** by purchasing 51 parcels totaling 7727 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. The requested **\$5.2 Million** Land and Water Conservation Fund grant to **Wisconsin** will continue this very successful Federal/State/local partnership for protecting land for the **Ice Age Trail**. We request **\$2 million** to provide similar grants to the seven states along its route to close gaps in the **North Country Trail**, **\$2.1 million** for the **Park Service** to acquire three parcels for the **New England Trail**, and **\$2.005 million** for the **Park Service** to acquire parcels in Pennsylvania and Vermont for the **Appalachian Trail**. We also request **\$2 million** for the City of Rocks Reserve in Idaho to protect an important section of the **Oregon Trail** and **\$1.17 million** for San Antonio Missions National Historic Park along **El Camino Real de los Tejas National Historic Trail**.

Private Sector Support for the National Trails System

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2010 the trail organizations fostered 1,115,559 hours – an increase of 23% over 2009** - of documented volunteer labor valued at **\$24,366,484** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of \$12,486,240** to benefit the trails.

Mr. SIMPSON. Thank you. Thanks for your testimony.

Next we have John Calvelli, Executive Vice President of Public Affairs at the Wildlife Conservation Society.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

JOHN CALVELLI, EXECUTIVE VICE PRESIDENT OF PUBLIC AFFAIRS, WILDLIFE CONSERVATION SOCIETY

Mr. CALVELLI. Thank you, Mr. Chairman, Ranking Member, Members of Congress. Thank you so much for giving me the opportunity to testify today. My name is John Calvelli. I am the Executive Vice President of Public Affairs at the Wildlife Conservation Society. WCS is one of those venerable institutions founded in 1895 with the help of Teddy Roosevelt as a science-based conservation organization with the mission of saving wildlife and wild places around the globe. Today WCS manages the largest network of urban wildlife parks in the United States led by our flagship, the Bronx Zoo. Our fieldwork now helps save 25 percent of the earth's biodiversity in over 60 countries around the world.

I do want to make a brief note that if you are looking for dumb trout, we run the largest private protected area in Tierra del Fuego in Chile, and I, who am a terrible fisher, did catch something relatively large, so Mr. Chairman—

Mr. SIMPSON. It is a long ways to go.

Mr. CALVELLI. It is a long ways to go but they are really dumb, sir.

We believe this work is necessary to protect the planet's natural capital that is the foundation of future prosperity. Today I would like to describe the critical role that domestic and international conservation play in increasing our Nation's economic and national security while reaffirming our global position as a conservation leader.

WCS has been an active partner in supporting America's conservation tradition with our grant program funded by the Doris Duke Foundation, which is helping to leverage funds from the Fish and Wildlife Service's state wildlife grant. We have helped through the Doris Duke Foundation to give about \$14 million to more than 46 states including Idaho—another blatant comment—on behalf of Idaho for wildlife corridor protection. WCS recommends maintaining fiscal year 2010 funding of \$95 million in fiscal year 2012 for state wildlife grants. The Interior Department estimates that nature-based activities supported by federal programs like state wildlife grants could generate \$14.1 billion in fiscal year 2012 for American communities.

We believe that public land management should be science based with an emphasis on landscape-level conservation. WCS supports the Administration's request of \$31 million for the USGS Climate Science Centers, which will bring scientists and stakeholders together to develop landscape-level management strategies. These strategies are important in balancing energy development and wildlife conservation in places like Alaska's National Petroleum Re-

serve. I do want to state up front that we were founded by members of the business community. We understand the importance of business. We also understand that the National Petroleum Reserve was created those many years ago to find petroleum but through fate and through nature, that area is also very important for migratory birds, and what we are looking for is some type of focus on specific areas so that we can create protected areas so that we can support subsistence hunting in the local areas, preserve important bird and mammal habitats while promoting energy development and respecting first nation practices.

Conservation can bring nations together for a common cause, building diplomatic relationships and preventing conflict. The 2010 International Tiger Summit in Russia was the first ever heads of state summit dedicated to a single species that signaled a strong commitment from the international community. Just a note, there are actually more tigers in Texas than there are in the wild at this point. The Fish and Wildlife Service's Multinational Species Conservation Fund exemplifies this commitment with its Rhino-Tiger Fund, which has helped WCS develop a regionally targeted strategy to give tiger populations a chance to recover. We recommend restoring fiscal year 2010 funding levels for the Multinational Species Conservation Fund with an additional \$1 million for tigers totaling \$12.5 million. This program enjoys broad American constituent support with more than 50 million members of the coalition and over \$25 million generated in private investments in fiscal year 2009 alone. So as you can see, these programs have great support, but more than that, they also leverage significant federal funds.

Broader ecosystem protection is critical to the preservation of species. WCS recommends funding the Wildlife Without Borders program at \$7.4 million of which \$1 million is for the Critically Endangered Species Fund would ensure the conservation of scores of endangered birds and animals.

The Forest Service International Program provides technical support in forest management in the world's most unstable regions. It also represents the U.S. forest products industry in international trade agreements and combats illegal logging, which costs American businesses \$1 billion annually. WCS requests a restoration of this line item in fiscal year 2012 with funding maintained at the fiscal year 2010 level of \$9.8 million.

I conclude with a conservation success story thanks to America's investment in global, economic and environmental sustainability. Having endured decades of Khmer rule and significant human loss, Cambodia is moving towards stability. In 2009, WCS helped Cambodia transform a former logging concession into protection forest safeguarding threatened animals and benefiting local hunters and farmers who have retained access to the forest to balance conservation with sustainable development. We focus on law enforcement, community engagement and long-term monitoring and research while the Cambodian government targets major crimes. The Fish and Wildlife Service's initial investment has leveraged significant funding from other sources, making this project possible. Biodiversity conservation in places like Cambodia and also in places like South Sudan are integral to finding long-term solutions to reduce

dependence on foreign aid and empowering its citizens to benefit from ecosystem services.

Thank you for the opportunity to testify, and unfortunately, although I came here from New York, the capital of marketing, I have no materials. I saw all of our friends providing materials to you. But we are at your disposal to answer any questions, and please feel free to come for a tour of the Bronx Zoo when you are in New York next.

[The statement of John Calvelli follows:]

Testimony of John F. Calvelli
Executive Vice President, Public Affairs, Wildlife Conservation Society
Submitted to House Appropriations Subcommittee on Interior, Environment & Related Agencies
April 15, 2011

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee: Thank you for the opportunity to submit testimony on FY12 Interior, Environment and Related Agencies Appropriations Act. My name is John F. Calvelli, Executive Vice President of Public Affairs with the Wildlife Conservation Society (WCS), which was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today WCS manages the largest network of urban wildlife parks in the United States led by our flagship the Bronx Zoo. WCS fieldwork helps address threats to over 25 percent of Earth's biodiversity in 60 countries around the world, employing more than 4,000 full-time staff including 170 Ph.D. scientists and 100 veterinarians. Our domestic facilities generate \$414 million in economic activity annually, according to a 2008 study.

At the outset, I recognize the Subcommittee's responsibility in addressing the nation's current fiscal climate while balancing priorities embedded in the American tradition of conservation. The pressures on our planet are mounting and conservation is a major antidote to unsustainable pressures on natural resources. The Department of the Interior (DOI) reports that in 2008 more than 400 million people visited national parks, refuges and public lands, generating over 300,000 jobs and \$25 billion in economic activity. Additionally, revenues generated by the DOI continue to exceed its annual appropriation. In FY12, DOI projects revenues from nature-based activities at approximately \$14.1 billion, in contrast to the Administration's FY12 budget request for the entire department of \$12.2 billion. On a global level, by supporting conservation, the U.S. is making a direct contribution to our national security. For example, in Afghanistan and Pakistan, where WCS is the only U.S. based conservation organization at work, environmental degradation, including desertification from unsustainable land use, erosion caused by deforestation, and water contamination, have devastated the region's inhabitants. In March 2009, President Obama's strategic review of Afghanistan identified "sustainable economic development" and "restor[ing] Afghanistan's once vibrant agriculture sector" as major ingredients in American's overall effort to sap the strength of the insurgency. Reversing the environmental trends is a key component to achieving those goals. Investments in foreign assistance particularly in conservation activities comprise a small piece of the federal budget. Yet, this funding has a tremendous impact helping to reduce conflict around scarce resources and preventing costly military interventions. As communities and countries stabilize and grow more prosperous, they become potential trade partners for U.S. goods. In fact, eleven of the fifteen largest importers of American goods are past recipients of U.S. foreign assistance. This testimony will highlight both domestic and international programs at DOI and the Department of Agriculture (USDA) that are shaping the future of conservation.

Department of the Interior-wide Initiatives:

America's Great Outdoors (AGO): WCS is pleased with the Administration's agenda to protect and effectively manage our natural areas by encouraging American citizens, community groups, and all levels of government to share a leadership role in preserving our natural heritage. WCS supports the AGO Initiative's emphasis on landscape-scale conservation promoting landscape connectivity and the protection of wildlife corridors. This connectivity is particularly important for some of the wide-ranging species that are conservation priorities for WCS, such as the

wolverine, Pronghorn antelope, and grizzly bear. Fully-funding the Land and Water Conservation Fund (LWCF), as the FY12 President's Budget requests, would also invest in federal and state land acquisition that could help protect these critical wildlife corridors. WCS applauds DOI's goal of encouraging youth to connect with nature as a key component of the AGO Initiative. The Youth in Natural Resources Initiative includes a \$2 million increase in funding for the National Fish and Wildlife Foundation to, in part, foster youth education programs in classrooms through public-private partnerships with NGOs and others with a focus on preserving and protecting priority species and their habitats. According to the DOI, federal funding will leverage at least an equal amount of private contributions, with a historical ratio of two to one, or more.

Bureau of Land Management (BLM):

Eco-regional Assessments: As energy development, urban growth and climate change continue to negatively impact wildlife and their habitat, a landscape-scale conservation strategy is needed. Unfortunately, BLM land use policies historically have been driven by local considerations with decisions made at the Field Office level. WCS is keenly interested in BLM's planned efforts to assess the regional impacts on wildlife in high priority energy development areas such as the National Petroleum Reserve-Alaska (NPR-A) and along the Path of the Pronghorn in Wyoming. WCS has a long history of working to ensure a balance of both wildlife protection for migratory birds, caribou and musk oxen in key areas of the NPR-A. Our goal is to help the oil and gas industry minimize potential impacts to wildlife as they begin to pursue development in Arctic Alaska. WCS recommends a permanent prohibition on leasing in the "Special Areas" of Teshekpuk Lake, Utukok River Uplands, and the Colville River. At the same time, Special Areas should remain open for managed subsistence hunting by Native Alaskans. WCS conservationists also seek to address disturbances to wildlife migration patterns, such as the Path of the Pronghorn, as energy development degrades and fragments wintering habitat across the Upper Green River Valley in western Wyoming. Proactive and strategic regional assessments by the BLM are critical to supporting the agency in properly managing these ecosystems. Through the Healthy Landscapes program, these assessments will improve understanding of the existing condition of BLM landscapes at a broader level. WCS believes this is an important strategy to address major stressors on wildlife and recommends continued significant funding for landscape-scale habitat conservation through the Healthy Landscapes initiative. WCS is also encouraged by the new Wild Lands Policy, which aims to ensure that all BLM lands with wilderness characteristics have been accurately inventoried. Additionally, WCS appreciates the opportunity to weigh in with other public stakeholders on the designation of Wild Lands.

U.S. Fish and Wildlife Service

USFWS State and Tribal Wildlife Grants Program (SWG): The State and Tribal Wildlife Grants program gives states and tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which WCS is a steering committee member. WCS recommends Congress at least maintain funding at \$95 million in FY12 for State Wildlife Grants to implement State Wildlife Action Plans. In helping to leverage these funds, WCS continues its highly successful Climate Adaptation Fund grants program with support from the Doris Duke Charitable Foundation. The Fund provides grants to

non-profit conservation organizations and state wildlife agencies working to ensure the ability of wildlife to adapt to a changing climate through applied, on-the-ground projects that demonstrate effective conservation actions. Since 2006 this WCS-administered fund has awarded 81 grants for \$7.2 million to a wide variety of stakeholder groups that impact wildlife conservation in 46 states, including funding the State of Idaho's work to protect wildlife corridors. WCS is doing its part to leverage federal funding for this program by providing private funding opportunities. At the same time, a greater need remains. In addition to the domestic investments by DOI, WCS supports the department's international programs that have a broad global impact. The remainder of my testimony will focus on international investments at DOI and USDA.

Multinational Species Conservation Fund (MSCF): The U.S. has a legacy of leading international wildlife conservation efforts and the MSCF program exemplifies this by being the only dedicated source for global species conservation by any government donor. The MSCF has been catalytic in paving the way for long-term investments in a particular landscape. It contributed to the discovery of over 1.2 million animals in Southern Sudan, including 8,000 African elephants. This discovery has triggered the creation of Boma National Park in the world's youngest nation -- one that has survived human conflict and decades of war. The MSCF has made similar investments throughout its existence since 1990. The world celebrated the Year of the Tiger in 2010 while the remaining 3,000 wild tigers continued to battle dire circumstances. The Rhino-Tiger Fund is trying to reverse the decline of the tiger that is threatened by loss of prey, habitat loss, climate change, poaching for the illegal trade in tiger parts, and disease. The U.S. Fish and Wildlife Service is doing its part in showcasing the United States as a leader in tiger conservation as evidenced at the International Tiger Summit in St. Petersburg, Russia which was the first-ever Heads of State summit dedicated to a single species. This signals strong commitment from the international community to saving the last remaining iconic species, an aspect exemplified by the MSCF program which has had a history of making strategic investments. From 2005 - 2009, a little more than \$45 million in grants for rhinos, tigers, elephants, great apes and turtles to 256 national and international groups leveraged more than \$75 million in additional support. As for doing our part, WCS's Bronx Zoo Congo Gorilla Forest exhibit, which opened in 1999, has attracted visitors to allocate a portion of their admission fee -- a total of more than \$10.6 million -- directly to field conservation projects in Central Africa's Congo Basin. WCS remains committed to find similar ways to support this U.S. government investment despite times of financial crisis. We support the FY10 enacted levels (\$11.5 million) for this program in FY12 while seeking an additional \$1 million to address the plight of tigers.

Wildlife Without Borders Global and Regional Programs: The U.S. Fish and Wildlife Service administered Wildlife Without Borders (WWB) programs are a great investment in addressing cross-cutting threats to ecosystems and wildlife such as disease outbreaks in amphibians, providing solutions to protein-source crisis for food-scarce rural communities through addressing bushmeat issues etc. WWB is making lasting impacts through capacity building, technical support and training, local community education and citizen science. From 2005-2009, the WWB program across Africa, Latin America, the Caribbean and the Russian Far East awarded over \$12 million and leveraged an additional \$22 million dollars in direct conservation assistance. In recent years, this program has established a Critically Endangered Species Conservation Fund, which has begun investing in modest level support to the most dire species in need such as Andean cats and Ethiopian wolves. Other noteworthy efforts supported by this

program include the Bushmeat-free Eastern Africa Network (BEAN) and MENTOR Fellowship Program which has supported wildlife professionals from eastern African nations to gain skills to address conservation challenges such as bushmeat. WCS recommends that the overall funding for the Wildlife Without Borders Global and Regional Programs receive \$8.4 million in FY12.

U.S. Forest Service, International Program

The Forest Service International Program is an essential U.S. agency in combating the flow of illegal timber into the global marketplace. Illegal logging impacts to several U.S. forestry industries translates to approximately \$1 billion in losses annually as American business are undersold by the cheaper illegal supply. Not only is illegal logging damaging to the environment, but it is also undercutting the U.S. forest products industry. Legally and sustainably harvested U.S. timber cannot compete with cheap illegal wood, and it is costing American jobs. FSIP is the one of the most important entities representing the U.S. forest products industry in international trade agreements, and its unmatched expertise is required by the Department of State and the U.S. Trade Representatives. Besides being uniquely positioned to promote forest conservation around the globe by drawing on the agency's diverse workforce of scientists, resource managers, international specialists and conservation biologists, FSIP has increasingly leveraged modest funding from Congress to make a big impact for the U.S. taxpayer. For every federal dollar invested in FSIP, four additional dollars is leveraged in matching funds and other contributions from partners. In recent years, FS IP has helped researchers in the Russian Far East to monitor the populations of Amur leopards and Siberian tigers by ensuring a healthy and abundant prey base or food source for the big cats. The FY12 President's Budget request eliminates the line-item for this vital program. Restoring support for this program at a minimum at FY10 enacted levels of \$9.8 million is needed to sustain and enhance these important activities.

U.S. National Park Service, International Program

In 1961, the U.S. government initiated its first international conservation program with the creation of the Office of International Affairs (OIA). Since then, this office has facilitated technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. Thanks to this program, NPS is working on collaborative areas of trans-frontier concern, including at the Beringia Shared Heritage Initiative (U.S. - Russia), and Big Bend/Rio-Bravo (U.S. – Mexico). The international work conducted by NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American national park system. WCS recommends \$1 million for this office in FY12 and encourages a strategic conversation with stakeholders that would draw on common objectives of parks and protected area management particularly in trans-frontier collaborative initiatives.

In conclusion, I appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY12 Interior, EPA and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will improve our economic and national security while reaffirming our global position as a conservation leader. Thank you.

Mr. SIMPSON. Thank you. Questions, comments?

Mr. MORAN. No. Very good testimony. Excellent. Thank you.

Mr. SIMPSON. We appreciate it. Thank you.

Mr. MORAN. And a great program.

Mr. SIMPSON. Next, we have Desiree Sorenson-Groves, Vice President for Government Affairs, National Wildlife Refuge Association. Hi, how are you doing?

Ms. SORENSON-GROVES. I am good. How are you?

Mr. SIMPSON. Excellent.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

DESIREE SORENSON-GROVES, VICE PRESIDENT, GOVERNMENT AFFAIRS, NATIONAL WILDLIFE REFUGE ASSOCIATION

Ms. SORENSON-GROVES. So I am Desiree. I am with the National Wildlife Refuge Association and I am speaking on behalf of myself and also over 190 refuge friends organizations including Friends of Southeast Idaho Refuges, Friends of Potomac Refuges and numerous ones all over the country. We are working on Wyoming. And we also serve as the chair of the Cooperative Alliance for Refuge Enhancement. It is called CARE, a very diverse group of conservation and hunting organizations from Audubon to Ducks Unlimited to the NRA to Defenders of Wildlife, and as you can imagine, we do not agree on much.

But the one thing we do agree on is refuge funding, and in fact, Chairman Simpson, you might remember a couple years ago we came in to visit you, and as we were walking past the wolf in the back of your office, you asked the folks from Defenders and the Safari Club how does that work, and you might remember the gentleman from the Safari Club looked at you and said, you know, sir, we do not agree on much but the one thing we do agree on is refuge funding, we see eye to eye. And that pretty much sums up the refuge system. It is unlikely you will find a more diverse constituency for probably any federal program. I mean, that is just the way it is.

We thank you for the past increases leading up to fiscal year 2010, which is \$503 million, which enabled the refuge system to emerge from dark days of refuge closing. And I have got to tell you, you know, Tom's comment about Park Service endangered species, Park Service employees, well, at the refuge system, they were extinct. So it was pretty bad, pretty dark days. And now fiscal year 2010 is the highest point in refuge funding but that is still 45 percent less than what the refuge system truly needs. The true need for the refuge system is actually \$900 million annually. So they are still operating under, you know, incredible challenges.

So we do not know what the fiscal year 2011 number is yet. They are still working that out. But any cut however small has a serious impact on refuges, especially when you are talking about an agency that has no fat to cut. The truth is, actually refuges need a small increase every year just to maintain what they are doing. That used to be \$15 million annually. Now with the budget freeze, that

has gone to \$8 million, and that is our request, is an \$8 million increase for fiscal year 2012.

Now, we understand that that is pretty tough given these kind of times but that is not even the true need. If you look at the management capability needs from fiscal year 2010, it would be \$15 million for fiscal year 2011 and then another \$8 million for fiscal year 2012. So for the first time in our history as the CARE coalition, we are, in our minds, asking for a cut, and we have never done that before. That was some serious arguments around the table, let me tell you.

So we know that fiscal year 2012 is going to be tough but we wanted to give you kind of a sense of what would happen on the ground, especially if you went back to fiscal year 2008 numbers. I know that is something that you guys are thinking about. Well, that is about a 20 percent in funding for the refuge system. Hundreds of staff would be eliminated. Fifty-four visitors centers would close, 11 would not open. Hunting on 48 refuges, fishing on 45 would be eliminated, and the system's inventory and monitoring program we just started would be curtailed. And that is particularly troublesome, considering when the oil spill was coming a year ago, none of the refuges—well, none of the refuges nationwide have a comprehensive inventory. They do not know what they have. I mean, this is kind of mind-boggling because it is because of funding costs, they just do not have the ability to figure out what they have. So it is hard for them to know what they should manage more. To this date, the only refuges in the entire system, 553 refuges, that actually have a comprehensive inventory are the ones that were in the path of the oil. That is it. And if we had not had that, then when we talk about, you know, getting compensation from BP, there is no way that they could prove it.

But the truth is, when it comes to that, the people who are most impacted are the users of the refuge system. Friends and volunteers provide 20 percent of all the work done on national wildlife refuges. That is the equivalent of 648 full-time staff, and that is from, you know, Fish and Wildlife Service is only—refuge system is only about 3,500 staff, so it is an enormous impact on the grounds. And those are some of the programs that will get curtailed. They are the first things to go.

The other people on the ground, I wanted to bring a couple pictures. This is from Mayor Dennis Fife. He is from Brigham City, Utah, and I think this photo kind of sums it up. This is the archway and it says welcome to Brigham, gateway to the world's greatest wild bird refuge. They love their refuge. And in his words, you know, business owners in his city depend on the refuge because people use their stores, their restaurants and everything there. Doug Wood, he is a professor at—this is not Doug Wood, by the way. He is a professor at Southeastern Oklahoma State University. He uses the Tishomingo National Wildlife Refuge to teach his students how to do research, his biology students, and so right here they are birding prothonotary warblers, which at this refuge are on the very edge of their range. If he was not doing this, the refuge staff would not be getting information about these species, and you know, the folks would not be learning. And then last I have Tim Reynolds. He is from Rigby, Idaho, a hunter and a bird watcher,

interestingly enough, and he is really concerned about budget cuts because at the Camas Refuge, which is where he goes, it costs between \$60,000 and \$90,000 annually to manage the wetlands for waterfowl, and with budget cuts, the refuge system is already thinking about managing only for upland habitat, not for wetlands, so the hunting is going to go. The birds will go. So it's just one of those impacts.

Refuges are economic engines in these local communities. They provide \$4 in economic return for every \$1 that you guys appropriate, which is pretty significant, and they are a cheap date. They only cost \$3.36 per acre to manage, which is the least amount of any public land management agency.

So I thank you for considering our request, and I hope all of you go to a national wildlife refuge over your recess.

[The statement of Desiree Sorenson-Groves follows:]

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TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS
April 1, 2011

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, Friends organization affiliates and concerned citizens, thank you for your strong support for the National Wildlife Refuge System (NWRS). The meaningful funding increases from FY 2008 – FY 2010 allowed the System to emerge from the years of declining budgets that followed the 2003 Refuge Centennial. Unfortunately, the President's FY 2012 budget request of flat funding from FY 2010 represents a \$23 million cut when factoring in the amount the Refuge System needs annually to maintain existing management capabilities and will result in a dramatic reduction in what refuges will be able to do on the ground.

The NWRA appreciates the opportunity to offer comments on the fiscal year 2012 Interior Appropriations bill and we respectfully request the Subcommittee support the following funding allocations for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS):

- \$511 million for the operations and maintenance (O&M) accounts of the NWRS;
- \$27 million for Refuge Revenue Sharing;
- \$900 million for the Land and Water Conservation Fund (LWCF), including \$140 million for the NWRS;
- \$20.2 million for Landscape Conservation Cooperatives (LCCs) in the FWS;
- \$20 million for Inventory and Monitoring for refuges;
- \$37 million for the NWRS construction account for large scale restoration projects, visitors centers and energy efficiency projects;
- \$80 million for NWRS Visitors Services;
- \$39 million for Refuge Law Enforcement
- \$5 million for the management of the new Pacific Marine Monuments;
- \$65 million for the FWS' Partners for Fish and Wildlife Program;
- \$95 million for the State and Tribal Wildlife Grants Program;
- \$50 million for the North American Wetlands Conservation Fund;
- \$6.5 million for the Neotropical Migratory Bird Fund;
- \$8.4 million for Wildlife Without Borders;
- \$8.5 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation.

National Wildlife Refuge Funding – O&M and Construction

The NWR chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 21 sporting, conservation, and scientific organizations representing over 14 million Americans that works to support the Refuge System's ability to accomplish its mission. After years of flat budgets, Congress in recent years has demonstrated a commitment to fund our national wildlife refuges, and the increases from FY 2008 – FY 2010 allowed for the suspension of workforce downsizing plans that outlined an eventual 20% reduction in overall staffing levels. Even so, CARE estimates that the Refuge System needs at least \$900 million in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

NWRA respectfully requests that you provide **\$511 million in FY 2012 for Refuge System Operations and Maintenance (O&M)**. We estimate the refuges need *at least* \$526 million to maintain management capabilities from FY 2010; our request represents a sacrifice as we deal with our nation's fiscal crisis.

This \$511 million request for refuge O&M includes \$8 million for inflationary costs, which, due to the freeze on federal salaries, is less than the annual adjustment of *at least* \$15 million for inflation the System ordinarily needs just to maintain management capabilities, including rent, utilities, salaries, concrete, gas and steel – everything a refuge needs to function. In fact, the \$15 million needed for FY 2011 added to the \$8 million needed for FY 2012 combines to a real need of *at least* \$23 million to cover inflation since FY 2010, for a total "status quo" budget of \$526 million for FY 2012. Our request of \$511 million is a reasonable amount for the Service to maintain most management capabilities for next year. Without providing adequate funding for these fixed costs, refuges will simply be unable to maintain current programs and public services, and the backlog will grow.

Refuges have almost \$1 billion worth of construction needs, including the replacement of deteriorating structures that are becoming more expensive to maintain. We request flat funding for **the System's construction budget at \$37 million**, including funds for large-scale habitat restoration. Funds for new visitor/administration centers, including those at the Potomac River Refuges near Washington D.C. and the Sherburne NWR outside Minnesota's Twin Cities, will provide a net benefit in efficiencies and in economic impact. Refuges with a broad range of programs create more service industry jobs and more income for local communities.

Supporting Jobs and Leveraging American Volunteerism

Refuges are economic engines in local communities, returning on average \$4 in economic activity for every \$1 appropriated by Congress. Nationwide this equates to over \$2 billion in annual economic impact. Refuges are job creators; more than 30,000 jobs – largely in the private sector – are attributed to refuge-related activities. Ecosystem restoration activities deliver the biggest pay-off, where \$1 million invested creates 30 jobs, while \$1 million invested in recreation creates 22 jobs. Refuges provide significant bang for the buck, despite receiving the least amount per acre of all land management agencies. Refuges are managed with \$3.36 per acre while the National Forest Service and National Park Service receive \$32.25 and \$37.11 per acre, respectively.

Refuges are also vital places for the American people to connect with nature and volunteer. Currently, refuge Friends and volunteers do approximately 20% of all work on refuges, the equivalent of 648 full time employees. We request **\$80 million for Visitors Services for the NWRs**. The Administration's proposed \$2.3 million cut to Visitors Services represents a cut to the

programs that oversee volunteers and thereby a marked decline in the work volunteers are able to contribute, leaving that work essentially undone.

Using Science to Guide Adaptive Management

The FWS and the Refuge System are developing landscape level strategies to address habitat changes due to shifting land use, increasing human population, the spread of invasive species and changing climates. But the need is urgent and time is of the essence – especially with species on the verge of collapse in locations such as Alaska and Hawaii. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives (LCCs) to bring the best science to bear to help local, state and federal agencies make the most educated management decisions. We recommend an allocation of **\$20.2 million to fund LCCs** in FY12, building upon the initial LCC investments in FY 2010.

NWRA further recommends an allocation of **\$20 million for the System's Inventory and Monitoring program**. As the Gulf oil spill showed, basic inventories of our natural assets are crucial if the American people are to recoup costs in the event of manmade disasters.

Commitment to Refuge Communities – Refuge Revenue Sharing

The Refuge System uses the net income derived from use permits, timber harvests, and so on to make payments to local counties or communities to offset lost tax revenue, and relies on Congressional appropriations to the Refuge Revenue Sharing program to compensate for the shortfall between revenues and obligations. Due to declining revenue and lack of appropriations, the Service has been paying less than 50% of its tax-offset obligations since 2001. This has a measurable impact on local communities that is felt even more starkly in difficult economic times - and it creates severe strain in relations between the federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. NWRA requests **\$27 million for the Refuge Revenue Sharing Program**, which, in recognition of the President's proposal to zero out funding, is still only half of what is needed. The NWRA also calls for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with the National Park Service, the Bureau of Land Management and the U.S. Forest Service and to provide Refuge communities with more equitable payments.

Partnerships and Strategic Growth

The Partners for Fish and Wildlife Program is a powerful tool for working with private landowners to collaboratively conserve refuge landscapes. The program consistently leverages federal dollars for conservation, generating between \$4-\$10 in conservation return for every \$1 appropriated, and has been key to the success of many iconic landscape conservation projects. In the past two years, the Wyoming Landscape Conservation Initiative used \$454,000 in habitat restoration and enhancement to leverage an additional \$1.4 million from private partners! But the Partners program saw its purchasing power erode between 8-24% in 2010 due to rising diesel fuel and seed costs. If funded at its authorized level of \$75 million, the program would net at least \$300 million worth of additional conservation. NWRA requests an **FY 12 appropriation of \$65 million for the Partners for Fish and Wildlife Program**, a \$5 million increase to maintain capabilities.

NWRA also calls upon Congress to **fully fund the Land and Water Conservation Fund (LWCF) at its authorized level of \$900 million**, with 75% devoted across agencies to investments in iconic landscapes. Created in 1965 and authorized at \$900 million per year (*more than \$3 billion in*

today's dollars), the LWCF is our most important land acquisition tool. With more than 8 million acres still unprotected within existing designated refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, the LWCF is more important than ever. In 2011, NWRA recommends that Congress approve LWCF funding to support projects such as:

- **Bear River Migratory Bird Refuge (UT)** – \$1.4 million;
- **Blackwater NWR (MD)** – \$1.5 million;
- **Cache River NWR (AR)** – \$4.25 million;
- **Connecticut River - Silvio O. Conte NFWR (NH, VT, MA, CT)** – \$6.5 million;
- **Everglades Headwaters NWR (FL)** – \$10 million;
- **Flint Hills Legacy Conservation Area (KS)** – \$5 million;
- **Nestucca Bay NWR (OR)** – \$2 million;
- **Rocky Mountain Front Conservation Area (MT)** – \$8 million;
- **Rhode Island NWR Complex (RI)** – \$3.28 million;
- **Southeast Louisiana Refuge Complex (LA)** – \$500,000;
- **Stillwater NWR (NV)** – \$3 million to acquire water rights.

There are several additional extremely worthy refuge land acquisitions advocated for by refuge “Friends” organizations and refuge partners and we have provided the Subcommittee with those requests in a separate document.

The NWRA also urges the Subcommittee to appropriate \$95 million for the State and Tribal Wildlife Grants Program to implement State Wildlife Action Plans; \$50 million for the North American Wetlands Conservation Fund; \$6.5 million for the Neotropical Migratory Bird Conservation Fund and \$8.5 million for the National Fish and Wildlife Foundation.

Returning to FY 2008 Funding Levels

Some in Congress have recommended returning to FY 2008 funding levels; we must caution that this would have *immediate and severe* impacts to our national wildlife refuges. With the System already 44% underfunded, proposals to return the agency to FY 2008 levels would result in an estimated 20% cut to current funding and would have dramatic ramifications including:

- Elimination of hundreds of staff positions, significantly reducing the System’s ability to restore habitats, control invasive species, maintain roads, and respond to illegal activities;
- Decline in the quality and quantity of visitor services programs, forcing an estimated 54 visitor centers to close and preventing 11 more under construction from opening at all;
- Reduction of volunteer efforts, as cuts to staff who oversee volunteers will result in a decline in the work volunteers are able to contribute;
- Reduction of hunting programs on an estimated 48 refuges and reduction of fishing programs on an estimated 45 refuges;
- A halt on progress of the System’s inventory and monitoring program, likely reducing it to a skeletal operation. The need for this program was made clear by the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog Gulf Coast refuge assets in order to prove damages and recoup costs from responsible parties. Now the only refuges nationwide with a comprehensive inventory of species and water quality are those that were in the path of oil.

In conclusion, the NWRA believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of

refuge volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

Mr. SIMPSON. Thank you. We appreciate your testimony. Thanks for being here today.

Mr. MORAN. You got it all in. Nice job.

Mr. SIMPSON. We have got a series of three votes.

Mr. LEWIS. Mr. Chairman, if you will, I am going to be running all over the place as you are, but later in testimony Mr. Moran and you will be hearing Doug Headrick from my district in southern California. He specifically will be talking about the Santa Ana sucker that you heard me chat with the Secretary about the other day.

Mr. SIMPSON. Yes, you mentioned that sucker.

Mr. LEWIS. The one thing that we want to make certain is we do not go down the pathway of the pattern we experienced with the Delta smelt, and all that we can do to respond to Doug's request, I would appreciate. Thank you.

Mr. SIMPSON. Thank you.

Mr. MORAN. I would love to hear from The Wildlife Society and the Defenders of Wildlife, but I do not know, how much time do we have?

Mr. SIMPSON. We have got three votes. We have five minutes left in this one.

Mr. MORAN. Of course, that was about two minutes ago.

Mr. SIMPSON. Yes, and then two 5-minute votes, and as soon as that 5-minute vote is over, we are probably talking about quarter til, being back here.

Mr. MORAN. I am not going to be able to be back.

Mr. SIMPSON. I will be.

Mr. MORAN. Then okay.

Mr. SIMPSON. We have five more people to testify, so if you will be patient with us for the next 25 minutes, 20 minutes while we go over and cast our votes for truth, justice and the American way of life.

[Recess.]

Mr. SIMPSON. Next we have Laura Bies, the Director of Government Affairs for The Wildlife Society. How are you doing today?

Ms. BIES. Doing well. How are you guys?

Mr. SIMPSON. Good.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

LAURA BIES, DIRECTOR OF GOVERNMENT AFFAIRS, THE WILDLIFE SOCIETY

Ms. BIES. Thank you for the opportunity to testify. My name is Laura Bies. I am the Director of Government Affairs with The Wildlife Society. We represent over 10,000 professional wildlife biologists and managers who are all dedicated to excellence in wildlife stewardship through science and education, and I talk about some of our priorities today and then obviously you can refer to my written testimony for more detail.

While we fully understand the limits of the current fiscal situation, we feel Congress also has a responsibility to ensure that the

investments of previous generations in wildlife management and conservation are not squandered. Our land and natural resource management agencies have built a strong foundation of responsible science-based wildlife management and conservation over the past century and they need the resources to continue this important work, especially in the face of threats such as invasive species, urban sprawl and increasing development, and climate change.

Within the U.S. Fish and Wildlife Service, one of these programs is the State and Tribal Wildlife Grants program. It is the only federal program that supports states in preventing wildlife from becoming endangered and it is also the primary program supporting the implementation of comprehensive wildlife conservation strategies or state wildlife action plans. These detailed conservation actions are needed on the ground in every state to keep common species common. We recommend that Congress appropriate \$95 million for State and Tribal Wildlife grants.

The National Wildlife Refuge System provides an invaluable network of lands for wildlife conservation in addition to unmatched opportunities for outdoor recreation. Many years of stagnant budgets have increased the operations and maintenance backlog of the system. Refuge visitors often show up to find visitors centers closed, hiking trails in disrepair and habitat restoration programs eliminated. As a member of CARE, the Cooperative Alliance for Refuge Enhancement, which Desiree spoke about, we recommend that Congress provide \$511 million for operation maintenance of the National Wildlife Refuge System.

Our Bureau of Land Management lands support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species. However, the BLM currently only has about one biologist per 591,000 acres of land and the costs they face for endangered and threatened species recovery continue to rise.

In addition, the wildlife and the threatened and endangered species management programs have been forced to pay for the compliance activities of BLM's energy, grazing and other non-wildlife-related program which erodes their ability to conduct proactive conservation activities on those lands. Given the underfunding of the BLM's wildlife programs combined with the tremendous expansion of energy development across the BLM landscape that we have seen in recent decades, we recommend funding of \$40 million for BLM's wildlife management program.

The Wildlife Society appreciates BLM's commitment to addressing the problems identified with wild horse and burro management on their lands. The President has requested an increase of \$12 million for this program to implement a new strategy for management and also act on recommendations provided by the Inspector General. We are concerned, however, about the BLM's emphasis on fertility control and their proposal to reduce the number of horses removed from the range. Horses are already above the appropriate management levels as set by BLM in most of these areas so we feel the proposal to reduce the number of horses removed from the range is ill-conceived. The request of \$75.7 million should be provided to BLM if they continue to remove these excess horses from

the range and also focus additional resources on habitat restoration.

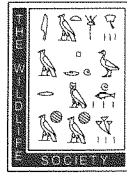
Within the U.S. Geological Survey, the cooperative fish and wildlife research units play a key role in conducting research on renewable natural resource questions, expanding into education of graduate students, providing technical assistance on natural resource issues, and providing continued education for natural resource professionals like our members. In 2001, Congress fully funded these units which allowed productivity to rise to record levels. Since then, however, budgetary shortfalls have caused an erosion of available funds. This has resulted in a current staffing vacancy of nearly one-quarter of the professional workforce within those units. To fill these current vacancies, restore the seriously eroded operational funds and to enhance national program coordination, \$22 million should be appropriated for the cooperative fish and wildlife research units.

We appreciate the fiscal year 2010 funding of \$15.1 million for the National Climate change and Wildlife Science Center. The center is going to play a really pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support, and we recommend funding for this center at \$25 million.

Finally, we ask Congress to provide additional funding to fight white nose syndrome in bats. The current loss of bat populations from white nose syndrome is one of the most precipitous wildlife declines really in the past century in North America and would likely have significant ecological and economic impacts. We request a total funding of \$11.1 million for white nose syndrome research, monitoring and response spread among the various federal agencies that are involved in this effort.

Thank you for considering the views and the recommendations of the wildlife professionals and we are available to continue working with you and your staff throughout the process.

[The statement of Laura Bies follows:]



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April 1, 2011

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
 B-308 Rayburn House Office Building
 Washington, D.C. 20515

The Wildlife Society appreciates the opportunity to provide testimony on the FY 2012 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 10,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

U.S. Fish and Wildlife Service

The **State and Tribal Wildlife Grants Program** is the only federal program that supports states in preventing wildlife from becoming endangered. It is also the primary program supporting implementation of comprehensive wildlife conservation strategies, known as State Wildlife Action Plans, which detail conservation actions needed on the ground in every state to keep common species common. Funding assistance for these state wildlife agencies is one of the highest priority needs for wildlife in order to prevent further declines in at-risk wildlife populations in every state. These grants also provide key funding to federally-recognized tribal governments for wildlife management and conservation. **We recommend Congress appropriate \$95 million for State and Tribal Wildlife Grants in FY 2012. We also ask that Congress support a reduction in the non-federal match requirement from 50 percent to 30 percent,** relieving some of the onus of providing adequate matching funding from severely cashed-strapped states.

The Cooperative Alliance for Refuge Enhancement (CARE) is a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined the **National Wildlife Refuge System** needs \$900 million in annual operations funding to properly administer its nearly 150 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog; refuge visitors often show up to find visitor centers closed, hiking trails in disrepair, and habitat restoration programs eliminated. Invasive plant species are taking over on refuges, requiring \$25 million per year to treat just one-third of its acreage, and illegal activities such as poaching are on the rise, requiring an additional 209 officers (\$31.4 million) to meet law enforcement needs. **We recommend that Congress provide \$511 million in FY 2012 for the Operations and Maintenance of the National Wildlife Refuge System.**

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. This program has remained drastically underfunded despite its demonstrated effectiveness. **We recommend a small increase over the FY 2010 funding level of \$47.6 million, to bring the funding to \$50 million in FY 2012.**

The **Neotropical Migratory Bird Conservation Act Grants Program** supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. **The Wildlife Society recommends Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization level of \$6.5 million in FY 2012.**

The Wildlife Society supports adequate funding levels for all subactivities within the **Endangered Species Program**. Endangered species recovery efforts can ultimately lead to delisting, resulting in significant benefits to species through state management efforts. Currently, all subactivities within the program are understaffed while the costs for management of listed species continue to rapidly escalate. **We recommend Congress match the President's request for the Endangered Species Program and provide \$182.7 million in funding in FY2012.**

The voluntary **Partners for Fish and Wildlife Program** provides financial and technical assistance to landowners to restore degraded habitat on their property. With over two-thirds of our nation's lands held as private property, and up to 90 percent of some habitats lost, private lands play a key role in preserving our ecosystem. We urge Congress to provide **\$62.19 million in support of the Partners for Fish and Wildlife Program** in order to allow landowners to help contribute to land and wildlife preservation.

Through its **international programs**, FWS works with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. International trade, import, and transportation of wildlife species can have a huge impact on America's security, economy, and environment. Careful regulation of imports and implementation of international policies is an important task. We ask Congress to support FWS in protecting our economy, our environment, and our national security by providing a necessary **\$12.9 million in support of FWS International Affairs.**

Bureau of Land Management

BLM lands support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species. However, the BLM currently has only one biologist per 591,000 acres of land and estimated costs for recovery of threatened and endangered species on BLM lands continue to rise. In addition, the **Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM)** programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding both their ability to conduct proactive conservation activities and their efforts to recover listed species. This diversion of funding must be stopped. Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, we recommend

Congress appropriate **\$40 million for BLM Wildlife Management**. This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans.

Increased funding is also needed for the **Threatened and Endangered Species Management Program**, to allow BLM to meet its responsibilities in endangered species recovery plans. BLM's March 2001 Report to Congress called for a doubling of the Threatened and Endangered Species budget to \$48 million and an additional 70 staff positions over 5 years. This goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for BLM's endangered species program to \$33 million in FY 2012.**

The Wildlife Society appreciates the commitment of BLM to addressing the problems associated with **Wild Horse and Burro Management**. The president has requested an increase of \$12 million to allow BLM to implement a new strategy for WHB management and act on recommendations provided in late 2010 by the Office of the Inspector General (OIG). The Wildlife Society is concerned about BLM's emphasis on fertility control and its proposals to reduce the number of feral horses round-ups held in FY 2012. Horses are already above Appropriate Management Levels (set by BLM) in most areas, so the proposal to reduce the numbers of horses removed from the range is ill-conceived at best.

Given that horses and burros have been maintained above the Appropriate Management Level for many years, we believe that additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. **The requested \$75.7 million should be provided to BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration.**

U.S. Geological Survey

The basic, objective, and interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our nation today. This science will play an essential role in the decision-making processes of natural resource managers as we adapt to climate change, and it will help protect our water supply and conserve endangered species. More investment is needed to strengthen USGS partnerships, improve monitoring, produce high-quality geospatial data, and deliver the best science to address critical environmental and societal challenges. **The Wildlife Society supports funding of at least \$1.2 billion for USGS in FY 2012.**

The **Cooperative Fish and Wildlife Research Units (CFWRUs)** conduct research on renewable natural resource questions, participate in the education of graduate students, provide technical assistance and consultation on natural resource issues, and provide continuing education for natural resource professionals. In FY 2001, Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available funds, resulting in a current staffing vacancy of nearly one quarter of the professional workforce. In order to fill current vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2012 budget for the CFWRUs should be increased to \$22 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs.

The Wildlife Society appreciates the FY 2010 funding of \$15.1 million for the **National Climate Change and Wildlife Science Center**. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, funding must increase. **The Wildlife Society recommends that Congress fund the National Climate Change and Wildlife Science Center at \$25 million in FY 2012.**

U.S. Forest Service

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, and are home to about 425 threatened and endangered, and another 3,250 at-risk species. In FY 2011, the Forest Service combined several programs and budgets, including Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products into a single Integrated Resource Restoration activity budget. We are concerned with this merger because it makes accountability to stakeholders and Congress more difficult. However, with these reservations noted, we urge Congress **to support the request of \$854.242 million for the Integrated Resource Restoration program in FY 2012.**

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our nation's forests and grasslands. Furthermore, it will play a key role in developing strategies for mitigating the effects of climate change. We urge Congress to provide **\$312 million in FY 2012 for Forest and Rangelands** to support this high-quality research.

White Nose Syndrome (A Crosscutting Program)

Finally, we ask Congress to provide additional funding to fight White Nose Syndrome (WNS) in bats. The current loss of bat populations from WNS represents one of the most precipitous wildlife declines in the past century in North America, and will likely have significant ecological and economic consequences throughout the United States. Experts have recommended that \$45 million will be needed over the next 5 years to study and combat WNS.

Federal agencies play a critical role in WNS response. The Fish and Wildlife Service is the lead agency, coordinating the nationwide effort to combat the disease and granting federal monies to state wildlife agencies to assist in their WNS response. The U.S. Geological Survey is conducting research vital to understanding this previously unknown disease. The National Park Service, Bureau of Land Management, and Forest Service are involved on their lands in monitoring and surveying bat populations, implementing decontamination measures with visitors, managing and closing caves, improving bat habitat, educating the public about WNS, and other activities. The Department of Defense monitors, surveys, and implements conservation measures for bat populations on its lands as well. **We request a total funding level of \$11.1 million for WNS research, monitoring, and response among these agencies in FY 2012.**

Thank you for considering the recommendations of wildlife professionals. Please contact Laura Bies, Director of Government Affairs at (301) 897-9770 x 308 if you require further information or have any additional questions.

Mr. SIMPSON. Thank you. We look forward to working with you on this and finding out what a white nose bat is. I appreciate it. Thank you.

Ms. BIES. Thank you.

Mr. SIMPSON. Next, we have Mary Beth Beetham, Legislative Director of the Defenders of Wildlife.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

MARY BETH BEETHAM, DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE

Ms. BEETHAM. Thank you very much for the opportunity to testify. I really appreciate it. Defenders of Wildlife has more than 1 million members and supporters around the country, and we are dedicated to the conservation of wild animals and plants in their natural communities.

Even in these challenging budget times, Defenders continues to believe that investments in the protection of wildlife are a wise choice for our Nation. To protect wildlife, its habitat must be protected, which in turn protects healthy natural systems that provide clean air, clean water, food, medicines and other products we all need to live healthy lives. Federal programs that protect imperiled species, migratory birds, refuges, forests and other lands essential to wildlife conservation, as I am sure you well know, are therefore all going to ultimately support the health and well-being of the American people.

The devastating Deepwater Horizon oil spill offered a valuable but unfortunate lesson in the importance of a healthy Gulf Coast ecosystem for the families and the communities dependent upon it. Moreover, the American public cares deeply about wildlife conservation as they demonstrate by opening their pocketbooks and spending about \$120 billion every year on wildlife-associated recreation.

The programs that Defenders highlights in our written testimony are the ones under the subcommittee's jurisdiction that we think are the most important for wildlife conservation, and we know these are challenging budget times so we are asking that you do as much as you can to protect them. I would like to take just a few minutes to highlight what we think are some of the compelling needs just as examples.

The National Wildlife Refuge System, as Desiree already mentioned, anchors our Nation's wildlife conservation efforts yet flat or declining budgets will force its return to a massive restructuring program that will harm basic functions such as restoring habitats, controlling illegal activities and invasive species, and working with visitors. The special agents of the U.S. Fish and Wildlife Service Office of Law Enforcement are on the front lines between protected plants and animals and the poachers and the smugglers who traffic in them. The annual illegal wildlife trade is valued at \$10 billion annually and that is second only after the illegal trade in drugs and arms yet the special agents force currently falls 23 percent

below its authorized level and even 16 percent below its previous high water mark.

As our Nation pursues the needed expansion of renewable energy development, it is also important that that move forward in such a way that wildlife protections are protected and there is no net loss of any wildlife populations. Yet even for a species as iconic as the golden eagle, there is not currently enough information to ensure that wind turbines can be sited in such a way that will prevent harm.

BLM and Forest Service lands, as has already just been previously said, are becoming increasingly important to the conservation of wildlife in our country, each supporting more than 3,000 species. BLM must survey at least 400 caves, which they have not even begun to do yet, for the presence or absence of bats in order to begin to address white nose syndrome, which is a devastating disease that has killed more than a million bats across the country and is continuing to spread, and why we should care about white nose syndrome? Well, bats are beneficial in many ways including as voracious eaters of insects that are pests.

The Forest Service Wildlife and Fish program falls nearly \$16 million below its 2001 inflation-adjusted level, so that program is having a hard time. And they also have 19 percent fewer biologists and botanists than they had in 1995. And while we support the Administration's Integrated Resource Restoration initiative, we support the stated goals of the Integrated Resource Restoration initiative. We do have concerns about the adequacy of the science-based management objectives that the agency has put forward so far and also the conservation standards that have also been put forward at this point, especially given that they plan to merge the wildlife and fisheries program into Integrated Resource Restoration.

And finally, we support the Administration's continued emphasis on landscape-level conservation that is intended to build resilience to broad-scale economic stressors like climate change, drought, wildfire, invasive species and other impacts. However, as I know I have heard you say many times and we have spoken to you about this previously, we believe that these efforts really need to be effectively and efficiently coordinated and we need to make sure there is not duplication going on in order for them to be really effective, and they also really need to be lifting the boats of the basic operating programs of the agency such as providing them with the inventory and monitoring resources that they need. And the impacts, and while these landscape-level projects and conservation efforts are moving forward, the impacts of large undertakings such as the expanded development of renewable energy should be getting considered as they are planning all their landscape-level efforts, not separately.

So thank you very much. We appreciate the opportunity and we look forward now that we are on to fiscal year 2012, we hope, we look forward to working with you because we know it is going to be a challenging year.

[The statement of Mary Beth Beetham follows:]

TESTIMONY OF MARY BETH BEETHAM
DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
APRIL 1, 2011

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to testify. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders has more than one million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Even in the face of dire fiscal realities, Defenders continues to believe that investments in the protection of wildlife and habitat are a wise choice for our nation. To protect wildlife, its habitat must be protected, in turn, conserving healthy natural systems that provide clean air and water, food, medicines, and other products we need to live healthy lives. Federal programs that protect imperiled species, migratory birds, wildlife refuges, forests, parks, wilderness, and other lands essential to wildlife all are helping to ultimately ensure the health and well-being of the American people. The devastating Deepwater Horizon spill offered an unfortunate but valuable lesson in the importance of a healthy and thriving Gulf Coast system for the people and communities dependent upon it.

Defenders is strongly opposed to the massive cuts for conservation programs and the array of damaging policy provisions included in H.R. 1, the Full Year Continuing Appropriations Act, 2011. We urge restoration of funding for crucial conservation programs and believe that harmful policy provisions have no place in any appropriations bill.

We are pleased with several high priority initiatives in the president's FY 2012 budget, including: 1) the continued emphasis on landscape level conservation and management efforts intended to build resilience to broad scale ecological stressors that are harming wildlife and habitat, such as invasive species, wildfire, drought, and climate change – the most daunting conservation challenge of our time and 2) the proposal to fully fund the Land and Water Conservation Fund that includes a new joint effort by the Departments of the Interior and Agriculture to identify inter-departmental priorities for land acquisition. We also are very supportive of the administration's effort to prioritize the development of renewable energy as part of a strategy to address climate change, produce jobs, and transition to a clean energy economy. The President's budget states that various initiatives to conduct scientific assessments, plan, and manage at the landscape level across agencies will be coordinated under Cooperative Landscape Conservation and will help to support mission critical operating programs of the various agencies, something we believe is of the utmost importance if these initiatives are to realize their full potential. Moreover, the impacts of significant undertakings, such as the expansion of renewable energy development on federal lands, must be adequately considered in the context of landscape level conservation with proper siting, management, and mitigation of these projects to avoid significant impacts on wildlife and other sensitive resources.

We urge the subcommittee to do as much as possible to protect the accounts of the Fish and Wildlife Service (FWS), our nation's premier wildlife conservation agency. We strongly support the following modest increases:

- To continue progress in building resilience to landscape level ecological stressors, the administration's request for a total of \$37.5 million for Cooperative Landscape Conservation and

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Adaptive Science Capacity that will complete establishment of the 18 Landscape Conservation Cooperatives that will be led by FWS out of a total of 21. These funds also will be used to meet additional scientific information needs such as inventory and monitoring and species risk, vulnerability, population, and habitat assessments. In continuing this initiative, effective coordination of landscape level and scientific efforts across agencies and departments and with partners and stakeholders is absolutely crucial.

- To address the needs of our nation's most vulnerable plants and animals, a total of \$195.8 million for Endangered Species operating accounts, \$13.2 million over the request, allocated as follows: \$12.6 million for Candidate Conservation, the FY 10 level, \$1.2 million over the request; \$24.6 million for Listing, equal to the request; \$90.3 million for Recovery, \$6.6 million over the request; and \$68.3 million for Consultation, \$5.4 million over the request. In particular, increases are needed in the Recovery and Consultation programs to implement conservation actions on the ground and to address more than 1,000 consultations related to renewable energy development, and a backlog of more than 1,100 pesticide re-registration and other water quality criteria consultations. We are extremely disappointed that funding was eliminated for the Wolf Livestock Loss Demonstration program that assists livestock producers coexisting with wolves and for White Nose Syndrome that has decimated more than one million bats in the last several years, and we ask that both be restored. We support the request for a legislative sub-cap on petitions conditional on FWS making progress with listing priority species.
- To maintain the National Wildlife Refuge System, a total of \$511 million, a modest increase of approximately \$8 million over the request, as recommended by the diverse coalition of 21 organizations in the Cooperative Alliance for Refuge Enhancement. The increase is focused only on maintaining current management capability – such as keeping fuel in trucks and paying for rising utilities, building rent and other costs – normally at least \$15 million but reduced for FY 2012 consistent with the federal employee salary freeze. Flat budgets or cuts in FY 2012 and the coming years would trigger a return to a massive downsizing plan that would lead to elimination of biological, education, hunting and fishing programs and to other devastating impacts.
- To minimize harm to the mission critical Office of Law Enforcement, a total of \$67.8 million, \$5.2 million over the request but only \$2 million over the FY 2010 level, focused on additional special agents and port inspectors. We are strongly opposed to the decrease in the request for funding that had specifically been added by Congress in the FY 2010 bill to boost numbers of special agents – the special agent force is still 23 percent below the authorized number of 261 and even 16 percent below its previous high water mark.
- To support the Migratory Bird Management program, a total of \$56.5 million, \$2 million over the request to address crucial needs including development of information on golden eagle populations which recently have been discovered to be vulnerable to impacts from wind turbines. Defenders also supports the \$2 million increase in Conservation Planning Assistance under Habitat Conservation that the request says will be used to coordinate and expedite renewable energy project review and development while minimizing impacts on fish and wildlife.
- To support the Environmental Contaminants program, \$16 million, \$2.2 million over the request. The program's budget has been basically flat since 2001, yet resources are needed to assist the ESA Consultation program in its backlogged pesticide and water quality consultations and also to support readiness and response capabilities for oil spills or the release of other hazardous substances.
- To sustain the International Affairs program, a total of \$16.9 million, \$3.9 million over the request. Defenders is disappointed that the request included a nearly 10 percent decrease in this very modest program. Funding is needed to support at-risk wildlife in crucial regions through

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Wildlife Without Borders regional programs; for the Critically Endangered Animals Conservation Fund and Amphibians in Decline program; for the growing permitting, research and monitoring workload for species subject to trade, and for other crucial priorities.

- For critical grant programs, \$95 million for State and Tribal Wildlife Grants, same as the request; \$100 million for the Cooperative Endangered Species Fund, same as the request; \$6.5 million for the Neotropical Migratory Bird Conservation Fund, \$1.5 million over the request; and \$13.5 million for the Multinational Species Conservation Fund, \$3.75 million over the request.

The multiple-use lands of the Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are increasingly crucial to the conservation of wildlife and habitat in the United States, yet their resources are not adequate to meet significant challenges. A top priority for Defenders is ensuring that any renewable energy development on our multiple-use lands proceeds in a balanced way that ensures no net loss to wildlife populations and a net benefit to the status of threatened and endangered species. We are extremely disappointed that the comprehensive review on siting and coordination of renewable energy projects by the Department of the Interior and the Forest Service that was directed by the FY 2010 conference report has yet to be submitted. We urge continued strong oversight to ensure that any energy development is done in an environmentally sensitive fashion. And given the large land ownerships of the two agencies, it is imperative that both participate fully in landscape level conservation and management efforts underway.

For the Forest Service, the budget proposes two new consolidated budget line items, Integrated Resource Restoration (IRR), as was proposed for FY 2011, and Land Management Planning, Assessments, and Monitoring. While Defenders supports the stated goals of these consolidations to move to a restoration and resiliency based approach to forest management and to better link planning, assessment and monitoring to advance adaptive management, we remain highly concerned about the adequacy of science-based management objectives and clear standards for conservation, in particular, given previous Forest Service accountability issues, the merging of Wildlife and Fisheries Habitat Management into IRR, and the proposed new National Forest Management Act planning regulations that eliminate longstanding wildlife viability standards. Defenders and other organizations have proposed that, rather than a complete consolidation, a responsible first step would be a program that uses portions of various program budgets until results and accountability can be demonstrated.

We recommend the following funding for BLM and FS programs:

- For crosscutting BLM Cooperative Landscape Conservation, \$29.5 million, \$2.2 million over the request. The increase is needed to help support the continued development of rapid ecoregional assessments that examine ecological conditions within large landscapes to ensure that initiated assessments are completed, that new ones are launched in priority landscapes, and that information contained in assessments is transferred into useful management direction.
- For BLM Wildlife and Fisheries Management, a total of \$53.3 million, \$3 million over the request and for BLM Threatened and Endangered Species Management, a total of \$24.6 million, \$2.9 million over the request. Investments in inventory and monitoring are needed to help avoid and mitigate harmful impacts to golden eagles, bats and other wildlife species from renewable energy development and to ascertain bat presence or absence in approximately 400 caves so that BLM can begin to address any occurrence of White-Nose Syndrome. We also are concerned by reports that plant conservation will be moved from the Wildlife subactivity to Rangeland Management, which we fear will undermine the broader conservation focus of the program.

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- For BLM Challenge Cost Share, \$9.5 million, same as the request. This program provides crucial resources for proactive wildlife and habitat conservation projects on the ground and the budget states that concerns raised in a 2009 Inspector General report have been addressed.
- For BLM Resource Management Planning, \$55 million, same as the FY 2010 level and \$9.4 million over the request. We are quite concerned about the requested decrease which we believe will hinder needed plan revisions.
- For BLM's new Renewable Energy subactivity, \$19.7 million, same as the request. Given the major effort to develop renewable energy on BLM lands, the establishment of this new subactivity to better focus resources is a responsible step and we applaud the requested \$3 million increase that will support environmental reviews.
- For FS Land Management Planning, \$50.9 million and for FS Inventory and Monitoring, \$172.5 million. The proposal to consolidate these two line items cuts the total by \$10.8 million even though the FY 2010 levels for both programs are far below the 2003 inflation-adjusted level. Robust funding for planning, supported by inventory and monitoring are crucial to move toward a restoration and sustainability agenda.
- Given the IRR proposal, it is not clear if the separate Wildlife and Fisheries Habitat Management line item will still exist, however regardless of whether there is a separate or combined line item, Defenders supports a total of at least \$148 million for Wildlife and Fish output measures, just \$5 million over FY 2010 that is still nearly \$16 million below the FY 2001 inflation-adjusted level. With 19 percent fewer botanists and fisheries and wildlife biologists than in 1995, Defenders is greatly troubled about the loss of biological capability in the agency.
- For FS Wildlife and Fish R&D in Forest and Rangeland Research, \$32.5 million, \$4.7 million over the request allocated to the Climate Change and Water Management and Restoration Emerging Research Areas. Given the need for science-based management on National Forest System lands and the importance of wildlife as indicators of forest health, Defenders is extremely disappointed in the 9 percent decrease in the request for Wildlife and Fish R&D.

The U.S. Geological Survey supports the basic science necessary for conservation of fish, wildlife and habitat. To provide adequate science support, we urge the following increases:

- For the National Climate Change and Wildlife Science Center, \$25.6 million, same as the request. We thank the subcommittee for its past strong support and are pleased with progress being made to establish the regional science centers that will be expanded to include northeast, south central and Pacific Island Centers with the increase.
- For Ecosystems, \$171.3 million, \$4.9 million over the request, that will help to continue filling scientist vacancies in the all-important Cooperative Research Units; for science support for DOI bureaus now in the Climate and Land-Use Change activity, \$9 million, same as the request, that will assist the agencies in making scientifically-based resource management decisions; and for Alternative Energy Studies on Wildlife now under the Energy and Minerals and Environmental Health activity, \$3 million, same as the request, to assess impacts to wildlife from wind energy projects and to help inform siting to ensure minimal harm.

Finally, each day, 6,000 acres of open space in the U.S. is lost to habitat fragmentation and destruction. Once there lands are lost, they can never be recovered. We urge the subcommittee to fulfill the president's request for full-funding of the Land and Water Conservation Fund. Thank you for the opportunity to provide testimony.

Mr. SIMPSON. Well, thank you for your testimony, and we do look forward to working with you as we try to make a budget that makes sense with what limited resources we are going to have in this coming year.

Ms. BEETHAM. Thank you.

Mr. SIMPSON. Nina Fascione. Is that even close?

Ms. FASCIONE. It was very close, actually, just about right on. Thank you.

Mr. SIMPSON. Thank you, the Executive Director of the Bat Conservation International.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

NINA FASCIONE, EXECUTIVE DIRECTOR, BAT CONSERVATION INTERNATIONAL

Ms. FASCIONE. Yes, and this, sir, is, I am afraid, a dead bat with white nose syndrome, so I am here—

Mr. SIMPSON. It is not a white nose bat, it is white nose syndrome?

Ms. FASCIONE. It is a fungus that is devastating bat populations in the United States. It is a newly described newly emerging disease that was first discovered outside of a cave in Albany, New York, in 2006, so it is brand new. It has killed more than a million bats by far, as you have heard, although my personal opinion is that it has destroyed at least an order of magnitude larger than that. As you can imagine, bats are hard to count and so the numbers are not accurate.

Mr. SIMPSON. How does it kill them?

Ms. FASCIONE. It is a cold-loving fungus that impacts hibernating bats, as they are hibernating in caves and mines in the winter, and as anybody who has ever had athlete's foot knows, when you get a fungus, it is very itchy and irritating. It wakes the bats up from hibernation. Their immune systems kick in and they start burning up their fat reserves. So these bats are waking up twice as much as they would normally without the fungus, and frankly, the cause of death is likely starvation or dehydration. It is causing strange bat behavior like bats flying around in the middle of winter when they should be hibernating or during the day, and it is killing them.

It is impacting these hibernating bats. It has so far impacted nine species in 18 states. We heard this two days ago, Kentucky added to the unfortunate list of states that have white nose syndrome. In the United States, we have 46 species of bats. Twenty-five of those are hibernating species. So more than half of our bats in the United States could be impacted by this disease. And you heard my predecessor saying that scientists really are calling this the most precipitous decline in wildlife in North America.

A little bit more about the economic benefits of bats. They really do provide enormous benefits to humans. They eat bugs and they happen to have a preference for bugs that eat crops, the cotton bollworm and insect pests that destroy potato, cotton and corn

crops. They are enormously beneficial to farmers, and in fact, a study that came out just two weeks ago in the journal *Science*, a prestigious journal by really some of the Nation's top bat biologists, estimated that bats save farmers in the United States between \$3.7 billion and \$5.3 billion a year. With the loss of bats at this rate, farmers can start seeing impacts within the next four to five years. It is going to mean their costs go up in pesticides and obviously more pesticides means more chemicals in our environment, so it is really an unfortunate situation all around.

In fact, I said the number one million is probably conservative, but if you just take that one million figure, one million bats would eat 700 tons of insects a year.

Mr. SIMPSON. I like bats.

Ms. FASCIONE. So two of the species that are impacted of the nine are endangered federally listed, the gray bat and Indiana bat. The gray bat in fact was doing well under the Endangered Species Act. We were working to delist it until this disease came along. Ninety percent of the gray bat population is in less than ten caves, so if those caves get hit with the fungus, they are likely goners. And these impacts of these species and other potential species that might be potentially listed could have impacts on mining, forestry, construction, transportation and even tourism, so there could be very wide-ranging impacts of possible future listings for bats or frankly cave invertebrates that are impacted with the loss of bats in the cave ecosystems.

Many agencies, frankly all the agencies, have been looking at this disease because it is so far-reaching, and in fact, I brought a map to share with you as well. So the Fish and Wildlife Service has been the lead agency on this and they have been working on understanding the disease, how it spreads, surveillance, monitoring and stopping the spread, which will require public education and outreach. We are requesting \$11.1 million to continue working on this disease, and we believe that this is a case of where an ounce of prevention is worth a pound of cure because of these economic benefits from bats and the loss which could be so devastating.

The impacts are going to be at both state and federal levels. We understand this is a very tight economic time but this request is really—the agencies have been pouring funding into this already by necessity. This increase is actually just \$4.8 million above what they have been doing, and again, is well worth it in the long run.

So thank you very much for the opportunity to talk about this disease, and I will share these maps. One is of our current white nose syndrome range and then we just this week created a map with—the gray area is Car System in the western United States, so these are areas where bats will be hibernating. The brown area is where two of the most common species reside, which basically shows that this could spread through the entire Nation including those areas in the West, and because you said you like bats, this is the newest issue of our magazine where we highlight different species. Hopefully you think some of them are pretty cool.

[The statement of Nina Fascione follows:]

**House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

**Testimony of Nina Fascione, Executive Director, Bat Conservation International,
regarding funding for a Fiscal Year 2012 national strategy to address
the bat disease White-nose Syndrome**

Good morning, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. My name is Nina Fascione, and I am Executive Director of Bat Conservation International (BCI). Based in Austin, Texas, with a membership of more than 10,000 people from all 50 of the United States, BCI conducts and supports science-based research, education, and conservation to ensure that bats will still be helping to maintain healthy environments and human economies far into the future. I am here today to request \$11.1 million in Fiscal Year (FY) 2012 funding for a national strategy to address White-nose Syndrome (WNS), a disease decimating North American bats. Numerous Federal agencies are involved in WNS response: the U.S. Fish and Wildlife Service, U.S. Geological Survey, the National Park Service, Bureau of Land Management, U.S. Forest Service, and the Department of Defense.

WNS poses the gravest threat ever faced by bats of the United States. Since its discovery in 2006, the disease has killed well over one million bats. It is named for a previously unknown, cold-loving white fungus found on the faces and wings of infected bats that is believed to cause the disease. WNS-infected bats awaken frequently during hibernation, burning the fat reserves they need to survive the winter. They often emerge early from hibernation, before the return of warm weather and insects, only to freeze or starve to death. The disease or its associated fungus has spread to 17 states and three Canadian provinces in the five years since WNS was first observed in a cave near Albany, New York. The northeastern United States has borne the brunt of WNS so far, but the disease or its fungus has spread as far south as North Carolina and Tennessee and as far west as Oklahoma.

Biologists consider the WNS die-off to be North America's most precipitous wildlife decline in the past century. The disease strikes hibernating bats – those that sleep through the winter in caves and mines – and has affected every hibernating bat species in its geographic path. Of the nation's 46 bat species, 25 hibernate, and all of these hibernating species are considered at risk of the disease. WNS or the fungus currently affects nine species, including endangered Indiana and gray bats, which could well be even closer to extinction as a result. Some WNS-infected sites experience mortality rates of almost 100%. Losses are so severe that researchers are predicting regional extinctions of the little brown bat – previously one of America's most common mammals – in northeastern states within 16 years.

Bats provide many benefits to humankind. As primary predators of night-flying insects, bats are critical to maintaining the balance of nature. A bat can eat half to all of its body weight in insects per night, consuming vast numbers of pests that damage crops such as corn, cotton, and potatoes. A study published on April 1, 2011 in the journal *Science* estimates the value of bats to the U.S. agriculture industry ranges from \$3.7 billion to \$53 billion per year. Bats also eat insects that damage forests and spread disease. Some bat species pollinate crops and disperse seeds. Research of bat biology has yielded important chemical products, including a medication

to prevent strokes. Bat droppings in caves support unique ecosystems, including microorganisms that could provide resources for detoxifying industrial wastes and producing safer pesticides and antibiotics.

The loss of bats would have serious ecological and economic consequences. The one million-plus bats killed by WNS would have eaten about 700 tons of insects each year. With the bats gone, these insects are surviving to attack crops and forests. The authors of the *Science* article argue that, as a result of WNS, North American agriculture will begin noting economic losses within four to five years, with especially severe impacts to the Midwest and Great Plains regions. In addition to crop losses, farmers will need to use more pesticides, increasing the financial strain on farming families, raising the price of food for consumers, and releasing more chemicals into our environment. Bats are important predators, so their disappearance could have broad, ripple effects on the environment that we can't yet assess.

The population declines from WNS could well lead to listing more bat species under the Federal Endangered Species Act, as well as state-level statutes, which would cause far-ranging economic costs. The Center for Biological Diversity has petitioned the FWS for listing of the northern long-eared bat and eastern small-footed bat because of WNS and other factors, while BCI and other organizations have requested the FWS to review the status of the little brown bat and to file an emergency listing of the species in the interim. At the state level, Ohio has designated four bat species as species of concern; Wisconsin is in the process of listing three bat species as threatened; and other states, including New York and New Hampshire, are considering designations. According to the Government Accountability Office (GAO-06-463R), the average cost for recovery of an endangered species is \$15.9 million. The highest estimate on record is \$125 million to recover the whooping crane. Bat species affected by WNS have broad geographic distributions and complex ecological patterns, which would likely require very high recovery costs. Finally, regulations stemming from listing more bat species would have economic impacts on industries such as mining, defense, energy, forestry, construction, transportation, tourism, and outdoor recreation.

The Federal government recognizes how much is at stake from WNS and, in conjunction with state, local, and tribal agencies, academic institutions, and nonprofits, has mounted an admirable response to the disease. WNS and its associated fungus were unknown to science until discovered in New York, but since then, Federal dollars have enabled researchers at USGS and elsewhere to isolate, identify, and develop a test for the WNS fungus, to map its genome, and answer some basic questions about the nature, transmission, and diagnosis of the disease. The FWS, the lead agency for WNS response, coordinates government and other entities in order to maximize efficient use of resources, prevent redundancy, and facilitate an effective national response. In this role, the agency has funded scientific research and on-the-ground disease surveillance and management, developed recommendations to help prevent disease spread, and created the National Plan for Assisting States, Federal Agencies, and Tribes in Managing White Nose Syndrome in Bats in collaboration with all involved Federal agencies, as well as State and other entities. Land-management agencies have been at the forefront in developing disease-monitoring techniques, gathering bat-survey data, managing resources to increase bat survival, and producing materials to educate the public about WNS. The NPS's Mammoth Cave National Park has developed a site-based response plan that is being used as a model for public lands

throughout the country; USFS is testing ways to improve bat habitat to boost post-disease survival rates; and DoD is refining acoustical bat-monitoring methods. All of these agencies provide technical support to, and collaborate and pool resources with, State, Local, and Tribal agencies as well as academic institutions and non-profits.

Despite this progress, the need for WNS-response funding continues and is, in fact, increasing. As the disease spreads, the number of entities involved and the scale of the response grows. While scientists have learned much about the disease, they cannot yet stop its spread. Critical research topics aimed at finding solutions include the susceptibility of different bat species to WNS, possible biological-control agents, and the disease-producing interface of the fungus, bats, and the cave environment. In FY 2010, FWS awarded \$1.6 million for WNS research through a granting process for which the agency received \$10.5 million in proposals. On-the-ground monitoring and management is required in both previously and newly infected areas. Overall coordination and communication is needed to ensure efficiency and the sharing of information and resources. The westward spread of WNS is sharply increasing the need for a Federal response. Western states have a higher proportion of public land than those in the East. Beyond that, much less is known about western bat populations than eastern ones, and the rugged western terrain makes data-gathering more difficult. To this point, FY 2012 is the first year for which BLM anticipates significant WNS expenses, many of which will go toward surveying approximately 400 western caves and abandoned mines for baseline data on bats.

Concluding from analysis of past WNS spending and disease-spread trends, we urge the Subcommittee to ensure that Federal agencies engaged in the WNS response receive \$11.1 million to address WNS in FY 2012. The cross-agency need is broken down as follows:

FY 2012 WNS Needs

FWS	USGS	NPS	BLM	USFS	DoD	TOTAL
\$5,200,000	\$2,400,000	\$200,000	\$1,000,000	\$2,000,000	\$300,000	\$11,100,000.00

One can compare this to WNS spending from FYs 2007 to 2010 (we do not have reliable expenditure figures for FY 2011):

Estimated expenditures on White-nose Syndrome (Note: BLM did not report WNS expenditures in past years.)

	FWS	USGS	NPS	USFS	DoD	
FY10	3,690,000	345,500	207,000	1,815,000	206,300	6,263,800
FY09	1,790,000	334,000	162,500	890,000	5,000	3,181,500
FY07-08	3,200,000	575,000	162,500	N/A	N/A	3,937,500
	8,680,000	1,254,500	532,000	2,705,000	211,300	13,382,800

The increase for FY 2012 over FY 2010 expenses is \$4,836,200, or 77%. We believe this ask is conservative and in fact will barely keep pace with the disease's spread. From 2007 to 2010, the disease moved from one state to 14, and from five sites to at least 157. From 2009 to 2010 alone, the number of affected states increased by 56%, and the number of infected sites by 78%.

Overall, the number of affected states and sites increased by 50 to 100+% each year. Already this year, WNS has been confirmed in three new states, and confirmed or suspected in 15 new counties. A 77% increase in WNS spending from FY 2010 to FY 2012 is therefore clearly proportionate to the disease's expected expansion by the start of FY 2012.

Congressional support is critical for addressing WNS. Other funding sources are extremely limited. State budgets have been drastically reduced and, especially given the spread of the disease, Federal agencies' existing resources are not sufficient to meet the need. According to the President's FY 2012 budget, there is WNS funding in the FWS's Preventing Extinction initiative and in the USGS's Ecosystems program. The budget does not specify the amount of WNS money in these accounts. We are grateful for these funds, and we urge Congress to supplement them such that the cross-agency total designated for WNS in FY 2012 is \$11.1 million.

Congress is facing a difficult financial climate, so let me point out that money spent on WNS is a wise investment. First, preventing the spread of WNS will spare businesses the regulatory and other impacts of bat die-offs. In 2008 and 2009, the threat of WNS caused officials to cancel the yearly Crawlathon caving event in and around Carter Caves State Resort Park in eastern Kentucky. Normally held during the off-tourist season in a rural area with limited economic opportunities, the event's cancellation cost the park and local businesses revenue losses each year. After the WNS fungus was reported in Missouri in early 2010, officials decided to close the caves at Iowa's Maquoketa Caves State Park in order to protect the caves' bats. Park attendance, which in previous years had averaged around 250,000 visitors per year, dropped in 2010 to approximately 60,000. The loss in park revenues has hurt the Iowa Department of Natural Resources, which had already been suffering from the national economic downturn. Show caves – small businesses that provide jobs and contribute to local economies – could also be hurt by WNS. States with many show caves include Missouri, Pennsylvania, Tennessee, and South Dakota. In addition, implementing WNS response generates jobs. The USFS management of forests for bat conservation includes thinning stands of trees. The agency contracts with local businesses to harvest, haul, and process the trees for timber. Finally, conducting WNS research, management, and prevention now will reduce future expenses to the U.S. economy resulting from pest impacts to agriculture and forestry, businesses affected by additional bat listings, and the cost of listed-species recovery. In this case, an ounce of prevention is truly worth a pound of cure.

Unless additional funding is provided in FY 2012, WNS will continue to spread across the country unchecked, killing even more bats than have already died. The consequent ecological and economic impacts will affect all of us as consumers, taxpayers, and residents of a planet that will have been further impoverished of biological diversity. We desperately need designated support for WNS response. I urge Congress to ensure FWS, USGS, NPS, BLM, USFS, and DoD receive a total of \$11.1 million for WNS in FY 2012.

Thank you for the opportunity to share BCI's position on this serious matter, and I respectfully ask you to consider our urgent request.

Mr. SIMPSON. They are weird looking.

Ms. FASCIONE. They are weird looking, some of them. Some of them are quite cute and they are very important.

Mr. SIMPSON. How do you fight that?

Ms. FASCIONE. Again, as anybody who has had athlete's foot knows, it is actually very hard to fight a fungus, particularly bats are colonial. You know, they live in these huge populations in caves. It is going to be very hard to treat this. You cannot treat with a fungicide or you risk killing other cave biota. So far, agencies and private landowners have been doing decontamination protocols, keeping people out of caves when necessary or when people need to go in caves, doing a full decontamination protocol. The disease is spread bat to bat. So it is going to be a tough task to stop this. You cannot obviously vaccinate bats, and that is what we need to find out.

Mr. SIMPSON. I appreciate it. Thank you.

Ms. FASCIONE. Thank you, sir.

Doug Headrick, General Manager of the Santa Ana Sucker Task Force, as Mr. Lewis said that this is a subject he has brought up many times with the individuals testifying, so welcome.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

DOUG HEADRICK, GENERAL MANAGER, SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT/SANTA ANA SUCKER TASK FORCE

Mr. HEADRICK. Thank you very much, Chairman Simpson.

As Congressman Lewis mentioned, I am here today representing the 12 inland California agencies that have banded together in the face of what we believe is regulatory overreach by the U.S. Fish and Wildlife Service.

Unfortunately, our region has the distinction of having the highest unemployment rate in the entire United States, but in the midst of this economic turmoil, the service under some heavy political and legal pressure by the Center for Biological Diversity threw out their carefully determined Critical Habitat designation from five years ago and greatly expanded that territory late last year.

The Santa Ana sucker is a small fish, maybe about six inches long. It was listed as threatened in 2001, and since that time, members of our task force have worked cooperatively with the service and others to conduct studies, monitor the species and also identify restoration projects, and so far we spent well over \$1 million to do that.

However, after all this cooperative work was in place, in December 2009 the service announced that they were planning to overturn their previous rule based on a closed-door settlement agreement that was signed between the service and the Center for Biological Diversity. Those of us that were going to be most impacted by this decision were not involved in that.

So back in 2005, after a lengthy public comment and review process, the service established the critical habitat for this fish. At that time the service intentionally excluded areas of the river that are

dry for obvious reasons, finding that these areas were not essential to the conservation of the species, which is the finding required, and that the enormous cost to our economy far outweighed any possible benefits to the fish. But we believe the new designation, the new expanded designation, disregards the scientific and economic realities which should have been central to their decision. In short, the service did not follow its own rules or federal law.

Let me underscore if I could that none of the newly designated areas currently nor in the past ever supported a sustainable population of this fish, mainly because they are dry nine to 11 months a year. Even before water diversion started over 100 years ago, based on the climate, these reaches of the river would go dry during dry times. Amazingly, the service included these ephemeral streams in the new critical habitat for the fish. The new untested claim is that the gravel that is on the bed of these dry streams, it might be needed in the future for the fish that live downstream. As you know, water supply reliability in California is a big issue, especially when it is tied to the Sacramento Delta, as we are through the state water project. The new designation critical habitat, directly opposes our efforts to reduce our reliance on that water source. We have been working to undertake stormwater capture programs to expand our water supplies without impacting species. These are projects that capture water that would have flowed to the Pacific Ocean during flood events, not helping humans or fish. This new designation puts these projects in jeopardy and makes us look back to the delta for our water needs.

For example, several years ago Congress authorized funding for the Seven Oaks Dam. It is mainly a flood control project. However, Congress also authorized spending to alter the dam's design to allow us to capture more water. After that, the California State Water Resource Control Board spent several years evaluating the project, the water capture project behind Seven Oaks Dam, to try to determine the impacts it might have on the species and determined that with mitigation that we have implemented, the water diversion would not harm the fish. Should this habitat expansion be allowed, our access to this valuable water supply could be nullified, violating Congress's clear intention.

How much water is at risk? This is essentially the amount of water that would serve about a million Californians every year. To replace this water with the value of water in California today would cost over \$2 billion over the next 25 years. That is assuming we could actually find it.

Our region, with its 13 percent unemployment rate, can really ill afford the uncertainty caused by this ruling. When combined with the Delta smelt, which we are all familiar with, this recent ruling essentially could stop all economic growth in our region. Despite this chilling result and the fact that the issue was repeatedly raised with the Fish and Wildlife Service, they chose not to even evaluate the economic issue.

Earlier this week, the task force that I represent took the first step to try to reverse this decision by the service. We formally filed what is called a 60-day notice outlining all the deficiencies of the ruling. Now we hope that the service will take the 60 days provided by law to reverse their decision and reestablish the critical habitat

to what it was originally determined to be. I ask that the committee please undertake an active role in oversight of the service and its use of the Endangered Species Act as a regulatory tool. Thank you.

[The statement of Doug Headrick follows:]

**Doug Headrick, General Manager
San Bernardino Valley Municipal Water District
Appearing on behalf of the Santa Ana Sucker Task Force**

Chairman Simpson and Members of the Committee, thank you for this opportunity to testify. My name is Doug Headrick, and I am the General Manager of the San Bernardino Valley Municipal Water District. I appear before you today as a representative of the Santa Ana Sucker Task Force, a group of thirteen water agencies, flood control districts and cities from Southern California who have banded together in the face of regulatory overreach by the US Fish and Wildlife Service. The Task Force agencies serve almost three million Southern Californians and cross numerous Congressional districts. Member agencies of the Task Force are: San Bernardino Valley Municipal Water District, Western Municipal Water District, City of San Bernardino Municipal Water Department, City of Riverside Public Utilities Department, San Bernardino Valley Water Conservation District, East Valley Water District, City of Redlands, Yucaipa Valley Water District, Bear Valley/Crafton Water Companies, Riverside County Flood Control District, and Big Bear Municipal Water District.

The USFWS, under heavy political and legal pressure by the Center for Biological Diversity, recently set aside their own carefully defined designation of the critical habitat of the Santa Ana Sucker and has now expanded the territory into areas that guarantee dire economic consequences for our communities. Worse, the addition of these new areas is not supported by the known biology of the species. This situation is the subject of my testimony.

Background on the Santa Ana Sucker and the Task Force:

The Santa Ana Sucker is a small fish that lives in the Santa Ana River and has been listed as a Threatened Species under the Endangered Species Act since 2001. The fish has been the subject of much regional concern and has been protected for over ten years by the state of California and local agencies under a Species Management Plan. Members of our Task Force have worked with Fish and Wildlife to study the fish and monitor its progress, and many of us have spent great sums of time and money doing so. We all recognize the important role that we play in protecting the delicate ecosystems of Southern California, and we do so willingly.

In 2005, the USFWS established an area of Critical Habitat for the fish, a process which my agency and many others in the Task Force participated in and remember well. At the time, the Service proposed that a very broad region be included in the designation. Ultimately, they decided not to designate the dry upper Santa Ana River areas as critical habitat, finding that these areas were not, and I quote, “essential to the conservation of the species” and that the enormous costs to the Inland Empire’s economy far outweighed any benefits to the species. Our water agencies have subsequently been successfully conserving the Santa Ana Sucker, and will continue to do so. Our efforts have included working with the California Department of Fish and Game to fund the efforts of the Santa Ana Sucker Conservation Team to recover and restore its habitats. In addition, we have clearly and repeatedly expressed to the USFWS our willingness to cooperatively design and protect habitat for the Santa Ana Sucker because we care about the health of the fish.

After the 2005 process concluded, everyone in the region considered the issue to be well-settled. My agency and many others undertook long-term planning for construction of infrastructure and water supply projects which are critical to our region. However, in December 2009, the USFWS announced that they would revise the Critical Habitat. This was done without giving any scientific or economic rationale for doing so. Certainly, nothing in the biological data showed the species to be in decline, and the USFWS has not produced any such data. A legal settlement between the USFWS and the Center for Biological Diversity directed the Service to undertake a review of the Sucker's habitat, but it did not require a habitat expansion. Moreover, the lawsuit settlement did not override existing law.

The Task Force I represent today was organized in early 2010 in response to the US Fish and Wildlife Service's announcement that it would re-visit the Critical Habitat for the Santa Ana Sucker. We were alarmed at the announcement because of the lack of justification by the Service. With the USFWS' announcement of the Final Critical Habitat Designation for the Santa Ana Sucker in December of 2010, our fears were realized because the decision totally disregards the scientific and economic realities which should have been central to the agency's decision based on the requirements of the Endangered Species Act. In short, the Service did not follow its own rules or Federal law.

Problems with the Revised Critical Habitat

Allow me to underscore the fact that none of the areas that USFWS has newly designated currently or have ever supported a population of Santa Ana suckers. The Endangered Species Act requires a very high standard for the designation of unoccupied territory, specifically: that the territory be "essential" for the species' preservation. USFWS' proposed rule ignores that requirement and also ignores its prior determination that these areas were not "essential" to the preservation of the species. By contrast, the California State Water Resources Control Board recently spent considerable time analyzing the needs of the Santa Ana Sucker before granting water rights to my agency and Western Municipal Water District of Riverside County. They found that the diversion of water from the upper reaches of the Santa Ana River, where the fish has never been in evidence, would not interfere with the public trust resource of the suckers. With the recent Critical Habitat expansion, we are worried that the millions of dollars of public money invested in securing this new water supply for the benefit of those we serve are in jeopardy.

Amazingly, the USFWS has included areas of dry riverbed in the habitat for this fish. These stretches of river are periodically wet when Southern California gets a lot of rain, but they are bone dry for an average of nine to eleven months a year. No fish currently live, nor is there any evidence that a sustainable population of Suckers ever lived, in these reaches of the Santa Ana river. Members of the Committee, I am an engineer by training, but I picked up enough biology along the way to know that fish cannot live in dry riverbeds. This represents the USFWS's greatest overreach since there is no evidence that these areas have ever been occupied by Santa Ana suckers, let alone that they are "essential" to the species' preservation.

There are some wet areas of the Santa Ana River that have been added in the revised habitat, however they are subject to flooding and otherwise do not have the proper substrates, water temperatures or other environmental conditions needed for the Santa Ana sucker. Importantly,

these creeks and the dry areas of the upper Santa Ana River are subject to periodic flooding that are an entirely normal part of Southern California's weather cycle. These floods send water and cobble stone down the river to the where the Suckers are located and fulfill its needs. A critical habitat designation is totally irrelevant since these flows are entirely natural. A habitat designation would have no meaningful impact on the volume of water or cobble involved.

Membership of the Santa Ana Sucker Task Force includes cities, water districts and other agencies that provide critical services in the region and are undertaking projects to improve the quality of life for all Southern Californians. Together, we repeatedly presented scientific and economic information to the agency and participated at every available opportunity. Unfortunately, much of this effort was in vain.

Consequences of the USFWS Decision

Members of the Committee, I would not be appearing today if it was not for the enormous water supply and economic consequences that the reopening of the Santa Ana Sucker habitat, just five years after the issue was settled, can have on the communities that I am representing here today. As you no doubt know, water is a huge issue in Southern California. In part, this is because of the impact of repeated droughts. In part, it is because Southern California's growth, 70% of which is simply the natural increase of births over deaths in our families with 2.1 million more people expected to live in the inland area between 2008-2035.

Taking a very broad view of the problem, this decision aggravates the water shortages currently being experienced in the entire state of California and the Southwest region of our nation. Restrictions on drawing water from the Delta have a widespread effect, and one of the most effective methods of compensating for reduced Delta water supplies is the creation of reliable local water supplies.

The expanded Critical Habitat for the Santa Ana Sucker directly opposes our efforts to capture stormwater, recharge our basins and reduce our reliance on imported water. Member agencies of the Task Force want to undertake water recycling projects, desalination efforts and flood control projects which will expand our supplies of local water and recharge our depleted groundwater basins. We know that these projects will save money for our customers and make our communities drought-proof while reducing pressure on the Sacramento – San Joaquin Delta. The Critical Habitat designation will prohibit important projects from going forward. Here, it is important to understand that the dry, ephemeral reaches of the upper Santa Ana River are where those of us concerned about water supplies have worked for years to capture and conserve water that our periodic rainfall would normally send to the Pacific Ocean. For a century, this dry riverbed has been the site of spreading basins where some of our mountain runoff is captured, allowing it to seep into an underground aquifer, equivalent in size to Lake Shasta. If this area becomes habitat, access to this historical local supply of water will be lost.

Meanwhile, several years ago Congress financed the Seven-Oaks Dam on the Santa Ana River to provide downstream protection from what the Army Corps of Engineers called the greatest risk for catastrophic flooding west of the Mississippi River. This opened the possibility of storing some mountain runoff behind the dam, further increasing local water supplies. Together with monies from our local agencies, Congress authorized spending to alter the dam's design for that

purpose. The California State Water Resources Control Board later spent considerable time analyzing the needs of the Sucker and granted rights to this “new” water to our local agencies. They found that capturing this water would not harm the Sucker since it came from areas where the fish has never existed. Also, they found that it would not harm the Sucker since natural water and cobble moving flows below the dam were sufficient to satisfy its needs. Should the habitat expansion be granted, our rights and access to this water would be nullified ... violating Congress’s clear intention.

Loss of the water from these two efforts, plus several others by local agencies working in the normally dry, ephemeral upper reaches of the Santa Ana River added to the Sucker habitat, would mean the loss of up to 125,800 acre feet of water a year to the Inland Empire. If it could be replaced, the 25 year cost would be \$2.87 billion. If local taxpayers could put aside money today to buy this water, using a 3% interest rate that is logical in today’s economy, the cost would be \$1.87 billion. Fish & Wildlife used several tricks to have their economists lower this number, such as using an unrealistic 7% rate. Still, they ended up with a \$694 million present day cost to local taxpayers. All this for the inclusion of a dry habitat zone that has nothing truly to do with helping the fish.

Worse by far however is the fact that it is highly unlikely that the 125,800 acre feet of local water that would be lost could be replaced at any cost. Thus, in March 2011, with California’s snow pack at 165% of normal, the State Water Project estimated that it will only be able to supply its regional water agencies with 70% of their current water allocations. In recent years those shares were 50% in 2010, 40% in 2009, 35% in 2008 and 60% in 2007. If we need more water from the State Water Project, we will very likely not be able to get it.

California law mandates that local water agencies must certify a 20 year supply of water before any major residential, retail, office or industrial project can be built. The San Bernardino and Riverside region, with a current unemployment rate of over 13%, desperately needs economic development. When that law is combined with the restricted flow of water to Southern California because of the Delta Smelt situation and the restriction of the Inland Empire’s local water supply with the Santa Ana Sucker, we come close to having the Endangered Species Act control growth and economic activity in Southern California. Despite that chilling result, and the fact that this issue was repeatedly raised with Fish & Wildlife, their economic analysis of the proposed expansion of the Sucker habitat did not even evaluate this issue. Yet, the impact would run into the billions and billions of dollars.

Next steps for the Task Force:

Right now, our Task Force is undertaking a thorough review of the ruling that the designation should be expanded into areas that will harm our economy, but do nothing for the Santa Ana Sucker. After that review is completed, the Task Force will file a formal notice with the Service outlining the deficiencies in their decision. From the point of that filing, the USFWS will have 60 days to either make changes to the Critical Habitat designation or leave it the same. The Task Force remains hopeful that the agency will consider all of the relevant scientific and economic information during this next phase of the process. In the meantime, I ask that the Committee to please undertake an active role in oversight of the USFWS and its use of the Endangered Species Act as a regulatory tool.

Mr. SIMPSON. Thank you, and thank you for your testimony. I feel fairly certain that there are a couple members on this committee that will keep us well informed of what is going on, Mr. Lewis and Mr. Calvert. So thanks for your testimony and thanks for being here today.

Mr. HEADRICK. Thank you very much.

Mr. SIMPSON. You bet.

Andy Oliver, Coordinator of the Multinational Species Coalition.

Ms. OLIVER. I am batting cleanup here. Hopefully I will hit a home run.

Mr. SIMPSON. There you go.

FRIDAY, APRIL 15, 2011.

WILDLIFE AND WILDERNESS

WITNESS

ANDY OLIVER, COORDINATION, MULTINATIONAL SPECIES COALITION

Ms. OLIVER. Mr. Simpson, Chairman Simpson, thank you so much for the opportunity to testify today on behalf of the Multinational Species Coalition on the Multinational Species Conservation Fund of the Fish and Wildlife Service, and I just wanted to thank you and your staff for all of the hard work that has gone into providing this opportunity to testify for all of us. The work that has gone into this as a new participant really, you know, made it very easy and feasible and seamless for all of us so that you could hear the many voices that you have heard over the last four days.

My name is Andy Oliver and I serve as the brand-new Coordinator of the Multinational Species Coalition, a broad-based coalition comprised of 32 organizations representing sportsmen, conservationists, zoos, circuses, veterinarians, animal welfare groups and their more than 15 million members, which is a huge number. I was shocked when I heard that. I want to thank you for your past and consistent support for these small but vital programs, and in fiscal year 2012 we respectfully request your support for funding the Multinational Species Conservation Fund at \$12.5 million and the Wildlife Without Borders program at \$7.4 million.

Wildlife conservation programs are a modest but essential piece of the United States engagement with the developing world. Through the Multinational Species Conservation Fund, the United States supplements the efforts of developing countries that are struggling to balance needs of their human populations and wildlife. The Multinational Species Conservation Fund helps to sustain wildlife populations, address threats by controlling poaching, reducing human-wildlife conflict, and protecting essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions.

Over the past two decades, these popular and highly effective programs have provided seed money for public-private partnerships that conserve wild tigers, elephants, rhinos, great apes and marine turtles in their native habitat. The Multinational Species Conservation Fund and the Wildlife Without Borders programs have long

enjoyed broad bipartisan support and we urge you to continue that support going forward. Multinational Species Conservation Fund serves the dual purpose of protecting wildlife populations and essential habitat for local communities. They are an excellent investment for the Federal Government, consistently leveraging three or four times as much in matching funds from corporations, conservation groups and national governments.

Recognizing our challenging budget situation, the Multinational Species Coalition hopes you will consider including funding for the five funds that make up this small but vital program at \$2 million each for the African elephant, Asian elephant and marine turtle funds, \$2.5 million for great apes, and \$4 million for the combined rhino-tiger fund. These funding levels are consistent with fiscal year 2010 appropriations for all of the funds except rhino-tiger, for which we request a \$1 million increase to bring it in line with the African and Asian elephant and marine turtle fund, so \$2 million for rhinos, \$2 million for tigers, and capitalize on the global awareness and commitments made at last year's International Tiger Summit that Mr. Calvelli mentioned earlier.

The need for your support of these funds has never been greater. My written testimony includes many examples of many of the success stories made possible by the Multinational Species Conservation Fund. I think that you heard from Mr. Calvelli about the situation with tigers and so I will not elaborate on that further, but that is just one example of the great work that is done through these funds for all of these wildlife species.

Just a few words about the Wildlife Without Borders program. The Wildlife Without program addresses some of the world's most pressing challenges to wildlife. Faced with emerging disease threats that pass between animals and people—you heard about the bats—extracted industry practices and pressures from local communities for nature to provide for their livelihoods, this program allows for greater investment in addressing cross-cutting threats to ecosystems and wildlife. The program is making a lasting impact through capacity-building and technical support and training and local community education. It is just doing terrific work, and the small investment really makes it worth it.

We hope you will consider the proven success and very positive impacts of these programs in relation to their modest cost and the broad-based and enthusiastic support of constituents. We urge the committee to fund the programs at the levels outlined earlier.

Thank you again for the opportunity. We really appreciate it. We look forward to working with you, and I am happy to answer any questions that after four days of this you may have.

[The statement of Andy Oliver follows:]

Testimony of Andy Oliver
Coordinator, Multinational Species Coalition
Before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearings
April 15, 2011

Chairman Simpson, Ranking Member Moran and Members of the Committee, thank you for the opportunity to testify on behalf of the Multinational Species Coalition on the importance of the Multinational Species Conservation Fund and the Wildlife Without Borders program in the U.S. Fish and Wildlife Service. The Multinational Species Coalition is a broad-based coalition comprised of 32 organizations¹ representing sportsmen, conservationists, zoos, circuses, veterinarians, animal welfare groups and their more than 15 million members. Thank you for your past and consistent support for these programs. In Fiscal Year 2012, we respectfully request your support for funding the Multinational Species Conservation Fund at \$12.5 million and Wildlife Without Borders at \$7.4 million.

Wildlife conservation programs are a modest but essential piece of the United States' engagement with the developing world. Through the Multinational Species Conservation Fund (MSCF) programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. MSCF programs help to sustain wildlife populations, address threats by controlling poaching, reducing human-wildlife conflict, and protecting essential habitat. By working with local communities, they also improve people's livelihoods, contribute to local and regional stability, and support U.S. security interests in impoverished regions.

We request your continued support in Fiscal Year 2012 for the Multinational Species Conservation Fund (MSCF) and the Wildlife Without Borders (WWB) program. Over the past two decades, these popular and highly effective programs of the U.S. Fish and Wildlife Service (FWS) have provided seed money for public-private partnerships that conserve wild tigers, elephants, rhinos, great apes, and marine turtles in their native habitat. The MSCF and WWB have long enjoyed broad bipartisan support and we urge you to continue that support going forward.

The MSCF and the WWB programs address critical conservation and development concerns in countries around the globe. They are an excellent investment for the Federal government, consistently leveraging three or four times as much in matching funds from corporations, conservation groups, and national governments. The MSCF comprises five small funds targeting

¹ The members of the Multinational Species Coalition are the African Wildlife Foundation, American Bird Conservancy, American Veterinary Medical Association, Association of Zoos and Aquariums, Bonobo Conservation Initiative, Born Free USA, Chelonian Research Foundation, Conservation International, Defenders of Wildlife, Dian Fossey Gorilla Fund International, Fauna & Flora International, Feld Entertainment, Inc., Humane Society of the United States, Humane Society International, International Cheetah Foundation, International Crane Foundation, International Elephant Foundation, International Fund for Animal Welfare, International Rhino Foundation, Jane Goodall Institute, National Audubon Society, National Wildlife Federation, The Nature Conservancy, Ocean Conservancy, Safari Club International, Sea Turtle Conservancy, Sierra Club, The WILD Foundation, Wildlife Alliance, Wildlife Conservation Society, Wildlife Management Institute, and World Wildlife Fund.

African Elephants, Asian Elephants, Great Apes, Marine Turtles as well as Rhinoceros and Tigers combined into one. The Multinational Species Coalition hopes you will consider including the following funding levels for these small, but vital programs:

• African Elephant Conservation Fund	\$2.0 million
• Asian Elephant Conservation Fund	2.0 million
• Rhinoceros and Tiger Conservation Fund	4.0 million
• Great Apes Conservation Fund	2.5 million
• Marine Turtle Conservation Fund	2.0 million
• Wildlife Without Borders	7.4 million

These funding levels are consistent with FY2010 appropriations for all of the Funds except Rhino-Tiger, for which we request a \$1 million increase to bring it in line with the African and Asian Elephants and Marine Turtles Funds and capitalize on global awareness and commitments made at last year's International Tiger Summit in St. Petersburg, Russia which was the first-ever Heads of State summit dedicated to a single species.

The Multinational Species Conservation Fund serves the dual purpose of protecting wildlife populations and essential habitat while also creating greater security and economic opportunities for local communities. By conserving iconic species, these programs help sustain large areas of habitat, home to a rich diversity of flora and fauna.

TIGERS: The need for the support of these funds has never been greater. For example, tigers are magnificent creatures: big, powerful, and charismatic. Unfortunately, these same qualities make them popular targets, with tiger body parts being in high demand on the global black market. Tiger organs and bones are used in Asian medicines, which are sold to consumers who believe these animal products convey strength, health and virility. Tiger populations have dropped from an estimated 5000-7000 ten years ago to as few as 3,000 in the wild today. Grants are awarded from the Rhino-Tiger Conservation Fund for anti-poaching programs, habitat and ecosystem management, development of nature reserves, wildlife surveys and monitoring, management of human-wildlife conflict, public awareness campaigns and other conservation efforts related to rhino and tiger survival. Thanks to support from the Rhino-Tiger Conservation Fund, tiger populations in the Russian Far East are experiencing a tentative recovery and enhanced enforcement of wildlife crimes is helping Indonesia crack down on the poaching of Sumatra's few remaining tigers.

MSCF support for the first ever nation-wide assessments of tiger populations, distribution and prey in Nepal helped to successfully establish the baseline data on tigers in that country – a significant milestone in tiger conservation. Funding from the Rhino-Tiger Conservation Fund has also helped to develop a tiger conservation database for Nepal and helped to build local capacity in scientific tiger monitoring. Successes such as these have laid the groundwork to help achieve the ambitious goal of doubling the wild tiger population over the coming decade.

RHINOS: Today, fewer than 200 critically endangered Sumatran rhinos are believed to remain on Earth. Following an initial decline in Sumatran rhinos from poaching for horn, which is used in traditional Chinese medicine, the population declined at a rate of 50% in the 1980s and 1990s from deforestation and habitat fragmentation. Bukit Barisan Selatan National Park (BBS) and Way Kambas National Park (WK) in Sumatra, Indonesia, are two of the three major habitats for

Sumatran rhino, and are also two of the highest priority areas for other threatened species, including the Sumatran tiger and the Sumatran elephant. Approximately 50 rhino, 40-50 tigers, and about 500 elephants inhabit BBS. Way Kambas is home to 27-33 Sumatran rhino. With support from the Rhino-Tiger Conservation Fund, international and local partner organizations operate a comprehensive program aimed at protecting and increasing the populations of Sumatran rhinos in Indonesia – the Rhino Protection Units (RPU) are the backbone of this program. The goal of the RPU program is to prevent the extinction of Sumatran rhinos and other threatened species and to protect critical habitats in Sumatra through proactive prevention of poaching and habitat destruction. Thanks to the RPU, there has been no poaching of Sumatran rhinos in Bukit Barisan and Way Kambas National Parks in Sumatra for the past 5 years. The RPUs also protect numerous other threatened and endangered species, including tigers, elephants, tapirs, gibbons, monkeys, leopards and fishing cats in Sumatra and a project in Java focused on saving the Javan rhino.

AFRICAN ELEPHANTS: Support from the African Elephant Conservation Fund helped resolve a growing conflict between a herd of African elephants and local villagers in Malawi. After several villagers were killed by the elephants, the locals retaliated against the elephant herd. A grant from the MSCF helped the government of Malawi and local partners to safely move the herd – 83 elephants in all – to Majete Wildlife Reserve in southern Malawi, protecting both the elephants and the people living nearby.

ASIAN ELEPHANTS: With support from the Asian Elephant Conservation Fund, a mobile environmental education unit has conducted site visits throughout southwestern Cambodia since 2004 to raise awareness of human-elephant conflict and promote habitat protection, watershed management, and sustainable livelihoods. These educational programs complement work in forest protection and anti-poaching, building the long-term community support needed to preserve Cambodia's largest remaining population of wild elephants. In the southwestern province of Koh Kong, 37 elephants were reported killed between May 2001 and December 2002. Human-elephant conflict was also increasing, as expanding human populations encroached on forest habitat. But since 2003, when protection and community outreach efforts began, there have been almost no known poaching incidents or retaliatory killings of elephants, demonstrating the cumulative impacts of habitat and wildlife protection combined with community education and sustainable livelihood programs in preserving populations of wild elephants.

MARINE TURTLES: By the last quarter of the 20th Century, decades of egg collection and accidental capture in fisheries decimated thriving Pacific populations of nesting leatherback turtles that numbered in the tens of thousands only 50 years ago. Today, leatherback nesting is restricted to only a few hundred females in the Eastern Pacific and several thousand in the Western Pacific. For the last several years the Marine Turtle Conservation Fund has supported the efforts of scientists and local residents to protect nesting females in Papua, Indonesia, the species' last stronghold in the region. As the population begins to recover, the participation of local community members will ensure the survival of females and their nests and the project's long-term success.

On Costa Rica's Junquillal Beach, MSCF support has promoted community conservation programs that have transformed local residents from turtle poachers into turtle conservationists. The beach, which is an important nesting site for critically-endangered leatherback turtles, is now monitored nightly by "Baula Boys", who guard the beaches from poaching and run a sea turtle hatchery for high-risk eggs. Due to this project, supported by the Marine Turtle Conservation Fund, the number of poached turtle nests fell from 75% to just 4% in four years.

GREAT APES: The world's rarest great ape, the Cross River gorilla, lives in one of the most biologically and culturally rich places on Earth, along the border of Nigeria and Cameroon. Scientists believed only 100 remained in isolated hilltop areas, but DNA samples showed that gorillas still dispersed between the hilltops. As a result, Cameroon and Nigeria came together to protect the gorillas. Cameroon created a new national park, Takamanda, and today there are more than 300 Cross River Gorillas in the region. Local communities have formed Gorilla Guardians and are now exploring ecotourism as a source of income in a region that has been ravaged by conflict and instability. While other international donors have recently made commitments in this region, it was the initial investment from the MSCF that catalyzed action.

MSCF grants made it possible for the Karisoke Research Center to continue protecting the mountain gorillas that live on the Virunga volcanic range located on the border between Rwanda, the Democratic Republic of Congo (DRC) and Uganda. Karisoke staff follow daily almost one third of the 700 remaining mountain gorillas. A 2010 census found that this highly endangered subspecies has achieved a remarkable increase of 17.4 percent since the previous count in 2003, with the greatest increase in areas monitored by Research Center. This is the only great ape population to have increased in recent decades.

Great Ape Conservation Fund has also supported programs in both Rwanda and the DRC to improve the health of communities near gorilla habitat by upgrading rural clinics, increasing access to clean water, reducing intestinal parasite infestations, and supporting small animal husbandry. This reduces the likelihood of people transmitting parasites and other diseases to the gorillas and reduces people's need to seek water and game in the forest.

WILDLIFE WITHOUT BORDERS: Administered by the U.S. Fish and Wildlife Service Department of International Conservation, the Wildlife without Borders (WWB) programs are able to address some of the world's most pressing challenges to wildlife and conservationists. Faced with emerging disease threats that pass between animals and people, extractive industry practices, and pressures from local communities for nature to provide for their livelihoods, this program allows for greater investment in addressing these cross-cutting threats to ecosystems and wildlife. WWB is making lasting impacts through capacity building, technical support and training, local community education and citizen science. From 2005-2009, the WWB program across Africa, Latin America, the Caribbean and the Russian Far East awarded over \$12 million and leveraged an additional \$22 million dollars in direct conservation assistance. In recent years, this program has established a Critically Endangered Species Conservation Fund, which has begun to support to on the ground conservation programs for species in great need such as Andean cats and Ethiopian wolves. The program has also supported the Bushmeat-free Eastern Africa Network (BEAN) and MENTOR Fellowship Program to train wildlife professionals from eastern African nations in addressing species decline due to a growing and unsustainable bushmeat trade.

We hope you will consider the proven success and very positive impact of these programs in relation to their modest cost and the broad-based and enthusiastic support among constituents, who place a high value on the protection of these iconic wildlife species. We urge the Committee to fund these programs at the levels outlined above. Thank you again for the opportunity to testify today and for your consideration. We look forward to working with you. I am happy to answer any questions you may have.

Mr. SIMPSON. Thank you for being here today and for your testimony, and we appreciate it very much.

Most of you here may wonder when you leave if what you say to us makes any difference in what we do. I suspect most people who testify before Congress wonder if that is the case. But it does make a difference in what happens because we do take your testimony into consideration and the concerns when we are trying to put together a budget, whether it is in times when we increased funding or flat funding or with decrease in funding. So it is important that we have the views of your organizations and people in the country of what their priorities are and what we need to be doing.

So I do appreciate all of you being here today and for your testimony and we look forward to working with all the different organizations that have an interest in various parts of this Interior and Environment budget. So thank you all.

TUESDAY, MAY 3, 2011.

TESTIMONY OF INTERESTED INDIVIDUALS AND
ORGANIZATIONS

PUBLIC WITNESSES—NATIVE AMERICANS

Mr. COLE. We are going to go ahead and start. We will have members coming in and out through the morning, but we certainly want to try and stay as much on time as we can. I am presiding. Chairman Simpson will be here at some points and some points he will not, but if we could have our first panel come forward, please.

If we could have Mr. Tortalita.

Mr. TORTALITA. Good morning.

Mr. COLE. Thank you.

TUESDAY, MAY 3, 2011.

PUEBLO OF ACOMA

WITNESS

LLOYD TORTALITA

Mr. TORTALITA. Good morning. My name is Lloyd Tortalita, and I am from Pueblo of Acoma in New Mexico. Not Mexico, but New Mexico. A lot of people do not know that New Mexico does exist, and I am from Pueblo of Acoma. I am a Vietnam veteran. I am also a uranium worker, 20 years of working in the uranium mines. Also the best title I have right now is being grandpa.

And as a tribal elder, the young people that I am speaking for, I am from Pueblo of Acoma. It is my concern my young people are growing up because of the type of world that we live in and what is happening in the world. So mostly my testimony is geared towards those individuals that are being affected by things like uranium mining, industry ruin, and I suffer, and you know, a lot of things that we are doing now, the national budget, is requiring a lot of money.

As a Vietnam veteran I did not know that I was going to get diabetes from Agent Orange, did not know that I was going to be suffering what I am suffering now. I look good and healthy but inside I am not anymore. Same way with uranium. You know the recall compensation that has been going through, reauthorization back in 2000, when I was governor of Pueblo of Acoma, I testified before Congress in trying to pass that, got it passed, and now we have a lot of individuals that are suffering from that or families are suffering because we did not know when we went to work for them. The United States said, we need your help; we need you to go to Vietnam, and I got drafted, got sent to Vietnam, and now we are paying for it. My skin is not what it used to be.

I did not know I was getting diabetes, did not know some of my friends were burying an individual, one of our veterans from the American Legion Post 116. I am also a chaplain at that. We are burying one of our individuals because of colon cancer, and he got it from being in Vietnam from Agent Orange and everything else. They are burying him right now. I should be out there as a tribal elder, and you know, we are losing a lot of our elders.

Now these baby boomers who were the ones that were in Vietnam are the ones that are suffering, are the ones that are supposed to be the grandpas and grandmas teaching our young people our tradition and culture of Acoma and throughout our country.

And, you know, we come here, I come here sometimes, this year, again, I am privileged to come back because I am the former governor, and I have testified a couple of times before Congressman Yates, Congressman Dicks, and now in front of Congressman Cole. And but it is an honor to be here, and again, some of the things that I will be talking about I am not going to see it probably within 10 years. You know, I came here asking for money to build a community center for my people. It took 10 years to get it built. It is built now, and it is done, and we are addressing diabetes and everything else, and some of the things that are happening to our young people.

Education is another one. We are still fighting for education, Native American education, education for our young people, the Bureau of Indian Affairs, the Bureau of Indian Education. It is not happening, and a lot of things are not happening as we all know.

You hear a lot of people come before you, and one of the biggest subjects is Johnson-O'Malley. I know you are very aware of it. I know because I have talked to you before. Johnson-O'Malley is a program that is there for our young people, our young Native students that most are, as you know, were in rural settings, way out there in the middle of nowhere, where there is really no transportation, no roads. In my testimony you will probably read later on, talking about roads. Our roads are falling apart, and our hospitals are, this and that.

And so we are in a bad situation with bridges and roads, hospitals, I mean, Indian Health Service, VA hospitals, those, same way with the Johnson-O'Malley. You know, we are fighting for \$24 million, get it back to what it was, and I have pictures that you can look at in the back of my testimony here that shows that my program is successful, that we are doing what we need to do and also at one time or another we also had an office within the central office here in Washington of JOM, but Save America's Treasures was another one. Acoma dating back to 1,200.

And then like I said, budget. I mean, we are down. IHS hospitals, Acoma-Canoncito, 50 percent or 50 positions are open. How are we going to provide medical services? VA hospitals, takes all day for individuals to get there, but we are suffering from all that stuff.

So we are just here to ask for help, and it is all written out. It is all there, so please read what I am telling you, but, you know, we have all this, and water is another example, coming off of Mount Taylor, you do not have any good water coming off of there.

All of it, right now they are saying they are putting chemicals into the ground which directly affects our irrigation.

Irrigation system is another one that we worry about. So please if you could, pay attention to some of this. Johnson-O'Malley is the biggest thing. I mean, it is all there, 24 million, a position in Washington, student, and freeze it and educate our young people like they need to be educated.

And I know I am running out of time, but the red light is on, but, you know, thank you very much for listening to me, and it is all written out, and I just urge and ask Congress to read and help us. Thank you very much.

[The statement of Lloyd Tortalita follows:]

**Written Testimony of
Lloyd Tortalita, Former Governor
Presenting on Behalf of
Randall Vicente, Governor
Pueblo of Acoma
Before the
House Interior Appropriations Subcommittee
Tuesday, May 3, 2011**

Requests for additional funding and/or support:

- 1. Indian Roads and Bridges**
- 2. Smaller IHS Hospitals**
- 3. Cultural Preservation**
- 4. Water Resources Studies**
- 5. Traditional Irrigation Systems**
- 6. Save America's Treasures**
- 7. Johnson O'Malley Program**
- 8. Carcieri "Fix"**
- 9. 35% Relative Decline in Federal Spending on BIA Programs**

Introduction. The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolve around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is itself over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

For most of the budget areas set forth above, I have set forth a description of a real-life example from Acoma of the need.

1. Indian Roads and Bridges – addressing crumbling infrastructure and building critical new infrastructure:

Mesa Hill Bridge – A Growing Safety Concern. Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the

school, Head Start, government and Acoma housing areas are on the south-side. Acoma seeks inclusion of the Mesa Hill Bridge as a funding priority in the Highway Act reauthorization legislation.

2. Smaller IHS Hospitals – Funding Health Care at the Front Line.

Turning Around The Indian Health Service Hospital At Acoma. The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. ACL officials recently informed Acoma that there are over 50 unfilled positions at the hospital. Acoma and Laguna continue to examine the option of taking over management of the hospital. It is Acoma's sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain standards at the smaller facilities located in many Indian communities. While there may be an economic efficiency there, it comes at the price of providing quality care right in many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care.

3. Cultural Preservation – A need to fund this area before irreversible development errors are made.

Uranium Mining On Mt. Taylor. Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can “now” be done safely, but so far they have just asserted that this is so, they have not demonstrated that it is so, much less demonstrating it to the high degree of scientific certainty necessary to allay Acoma concerns. Acoma has engaged in direct discussions with the mining companies and asked them to support additional hydrologic studies, as well as to work with Acoma to prevent damage to cultural sites. Acoma asks that Federal officials assure that no short cuts are taken in examining mining proposals and that they urge the mining companies to work closely with Native communities to fully address their concerns. Acoma believes that the mining companies and the United States have an ongoing obligation to clean up the environmental damage created by past uranium mining. Attempts to link such clean up to the start up of new mining operations are morally faulty. The obligation to clean up is independent of the question of whether renewed mining should be allowed. *It is very important to increase funding to the Tribal Historic Preservation Officer program within the National Park Service to assure cultural preservation issues are fully addressed.*

4. Water Resources Studies – in the Arid West Water is Gold.

Water Resources Development Act Reauthorization – Cost Waivers. Acoma supports amending WRDA to provide a waiver of up to \$500,000 for the tribal share on watershed studies.

5. Traditional Irrigation Systems.

Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding.

Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. Acoma requests that this Act receive substantial funding.

6. Save America's Treasures. SAT has funded and supported literally hundreds of thousands of dollars in restoration work at Acoma Sky City, which is itself a National Trust Historic Site. SAT has also funded scores of other projects across Indian country. SAT itself is an American treasure and its funding should be no less than \$25 million. Additionally, Acoma must note that the President zeroed-out the Save America's Treasures program in his proposed FY 2012 budget. We understand the difficult budgetary issues that motivated the President, but Acoma would argue that no one has ever regretted spending money preserving America's past. The Save America's Treasures program has funded a number of restoration projects in Indian Country and has an extraordinary track record creating many jobs in the restoration area. Acoma strongly supports robust funding for the Save America's Treasures budget, as well as for Acoma's proposed earmark for the project at Acoma Sky City.

7. Johnson O'Malley Program - \$24.3 Million. The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "**vested authority**" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals.

Pueblo of Acoma and the National JOM Association request the following actions:

- The Administration and Congress fully fund the JOM program at \$24.3 million for FY2012
- The BIA/BIE reinstate student data collection at the central office in DC to ensure accurate information to support funding levels for an increase student population.
- We urge this committee and the US Congress to work with us to lift the funding freeze to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

8. Support the Carcieri “Fix.” Although there is no question that Acoma was “under Federal jurisdiction” in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court’s decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has included Carcieri “fix” language in his FY 2012 budget, and this Committee strongly supported “fix” language in the last Congress, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

9. 35% Relative Decline in Federal Spending on BIA Programs. Set forth below is a chart from an article that appeared recently in *Indian Country Today* by Mark Fogarty. As you can readily see, as a percentage of the overall Federal budget, BIA funding has declined from 1995 to 2011 by 35%! Basically, funding for other Federal programs has risen substantially in that period, but the BIA programs have not received a proportionate increase!

Conclusion. Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America’s Native peoples and it is greatly appreciated.

Mr. COLE. Well, first of all, thank you for your service and not only to our country but to your tribe as well and the many things you have done. Your testimony will be entered.

This committee has a really strong bipartisan tradition of trying to work on these things, and in a tough budget time it actually has. We actually exceeded the President's request for 2011. We have met it in previous years, and again, that has been bipartisan. We recognize the problems you are talking about are very real, and certainly Chairman Simpson has made a real effort in a period of budget cuts to make sure that on Native American programs we have been able to avoid those and actually add a little bit to what was done in 2010.

So I cannot predict what is going to happen going forward. We live in an era of trillion and a half dollar deficits, and that is not sustainable, but I can assure you this committee is going to do everything it can on a bipartisan basis to protect and build on these really critical programs.

So, again, thank you for being here.

Mr. TORTALITA. Thank you very much, and you can see pictures of my state cross country champions.

Mr. COLE. I was going to say I am pretty impressed with the state champs.

Mr. TORTALITA. The after-school van. If they did not have the transportation service to the schools, we would have never gotten the state championship. It is really a good program that, again, this is the Johnson-O'Malley Program.

Mr. COLE. It is awfully impressive.

Mr. TORTALITA. Thank you very much.

Mr. COLE. Thank you. Thank you for your testimony. And if we could, we will move on to Mr. Dasheno.

TUESDAY, MAY 3, 2011.

SANTA CLARA PUEBLO

WITNESS

WALTER DASHENO

Mr. DASHENO. Chairman Simpson, Ranking Member Moran, and Congressman Cole, and members of the subcommittee, my name is Walter Dasheno. I am the governor of the Pueblo Santa Clara, and thank you for this opportunity to present to you on the fiscal year 2012 budget.

Santa Clara Pueblo is a federally recognized Indian tribe located 25 miles north of Santa Fe, New Mexico. We are only one of two tribes in New Mexico that have ventured into self-governance compacts with the Bureau of Indian Affairs. Santa Clara Pueblo's experience as a self-governance tribe mirrors that of many other self-governance tribes.

Overall, the program has been a great success. Self-governance works because it promotes self-sufficiency and accountability, strengthens tribal planning and management capacities, invests in our local resources to strengthen reservation economies, allows for flexibility and a firm sovereignty.

Santa Clara is happy to see that the President's budget proposes continued investment in the self-governance program with a modest increase in the IHS budget of 263,000 for administrative costs and a larger increase in the self-governance line in the BIA budget of 7.32 million for a total of 155.84 million from the fiscal year 2010–2011 continuing resolution level. And this is an increase of approximately 5 percent.

Overall, the Federal Government obligates over 425 million to some 225 federally-recognized tribes through the self-governance compacts. Notwithstanding this increases in the self-governance program, in reality overall funding for self-governance tribes does not keep pace with non-self-governance tribes. It has been the experience of self-governance tribes that when others have received funded increases, self-governance tribes do not or did not receive their relatively fair share. I would urge this committee to examine closely this issue. Santa Clara budget matters illustrate some of the national concerns that we have.

Santa Clara publicly submitted grant applications to various feasibility studies for a range of energy projects. Both the Department of Energy, Office of Tribal Affairs, and the BIA Office of Indian Energy and Economic Development have been very helpful, and their programs should receive more funding.

Santa Clara desperately needs a new and expanded health clinic. Santa Clara does not believe that the in-house service has the funding to pay the cost for constructing a new facility, and so it plans to finance its own facility if necessary. Still, Congress should support funding for more hospital construction and also continue to support and provide favorable grants and loans and loan guarantees for tribes that seek to construct their own facilities.

Invested in irrigation infrastructure, Rio Grande Pueblos Irrigation Infrastructure Improvement Act funding. This act authorizes the funding of projects to correct deficiencies identified by a Secretarial study. The implementation of this act will favorably affect public traditional lifestyle and culture which for hundreds of years has been based on the culture, agriculture, and irrigated lands. So far almost no money has been spent implementing this act.

In late 2009, Santa Clara Pueblo completed construction of a 10,800 square foot regional adult daycare center that will be able to serve a growing population of tribal seniors. Although the center has been completed, the adult daycare program has not yet been implemented due to severe funding restraints. Congress needs to expand funding for programs that serve Indian elders.

The Santa Clara Pueblo wastewater systems are also in an advanced state of decay and threaten community health and the water quality of the Rio Grande. The system was largely constructed in the 1960s and '70s and has out-served its actual use life. The need to upgrade wastewater and water facilities is common throughout Indian Country.

Santa Clara urges funding through the Army Corps of Engineers from the Espanola Valley Watershed Study to address ecosystem restoration and critical health and human safety concerns, specifically flooding along the Espanola River Valley.

Finally, Santa Clara urges increased funding for the BIA Real Estate Services, which support cadastral surveys, lease compli-

ances, and energy and mineral development issues. Current funding only meets about one-quarter of the need, holding up critical tribal projects. I must add, by the way, that the Southwest Region is blessed with the outstanding BIA Real Estate officer in Johnna Black.

Finally, although not immediately affected, Santa Clara does support passage of the statutory fix which the subcommittee worked so hard on last year.

In conclusion, as you work on the budget, please feel free to reach out to our DC Council, Greg Smith, who is well versed in all of these matters. Thank you for this opportunity to present the budget perspective of Santa Clara Pueblo. And I am on time.

[The statement of Walter Dasheno follows:]

**Walter Dasheno, Governor
Santa Clara Pueblo**

**Testimony before the
House Interior Appropriations Subcommittee
Tuesday, May 3, 2011**

Chairman Simpson, Ranking Member Moran and members of the Subcommittee, my name is Walter Dasheno. I am the Governor of the Pueblo of Santa Clara. Thank you for this opportunity to present to you on the FY 2012 Budget. The Santa Clara Pueblo is a federally recognized Indian tribe, located about 25 miles north of Santa Fe, New Mexico. We are one of only two tribes in New Mexico that have entered into self-governance compacts with the Bureau of Indian Affairs. I will focus the majority of my testimony on the funding of the Self-Governance tribes, but will also use other budget concerns of Santa Clara to highlight other funding needs in Indian country.

Self Governance Program. Santa Clara's experience as a self-governance tribe mirrors that of many other self-governance tribes – overall, the program has been a great success. Self-governance works because it promotes self-sufficiency and accountability; strengthens Tribal planning and management capacities; invests in our local resources to strengthen reservation economies; allows for flexibility; and affirms sovereignty. Approximately 50-60% of all Federally recognized Tribes are Self-Governance Tribes, and the interest shown by other Tribes is continuing to grow.

Proposed Self-Governance Funding in the President's FY 2012 BIA and IHS Budgets. The President has proposed increases in FY 2012 for the funding that supports the Self-Governance program. In the IHS budget, the President has proposed an increase of \$263,000 to \$6,329,000 from the FY 2010/2011 CR levels. This is an increase of 4.3%. For the Self-Governance line in the BIA budget, the President has proposed an increase of \$7.322 million for a total of \$155.084 million from the FY 2010/2011 CR level. This is an increase of approximately 5%. Santa Clara is happy to see this continued investment in the Self-Governance program, which returns far more in value to Indian country and America than is spent on it.

Notwithstanding the increases in the Self Governance program line item, overall funding for Self Governance Tribes does not keep pace with non-Self-Governance Tribes. While the self-governance regulations require that Self-Governance Tribes share equally in Congressional appropriation increases, in his testimony before this Committee on November 18, 2010 regarding the proposed Self-Governance amendments (H.R. 4347, 111th Congress), Ron Allen, Chairman of the Board of the Self-Governance Communication and Education Tribal Consortium (SGCETC) noted that it has been the experience of the Self-Governance Tribes that when Indian Affairs has received funding increases, oftentimes Self-Governance Tribes did not consistently receive their relative

fair share. Many Tribes have compact language stating that the Tribe “shall be eligible for increases and new programs on the same basis as other tribes”. If Self-Governance Tribes have not been eligible on the same basis as 638 tribes, this is in non-compliance with these Agreements. Further, it is difficult--if not impossible--for a Tribe to determine if it has been treated equitably when the Department has not been transparent on what “basis” funds have been allocated. Santa Clara would ask this Subcommittee to inquire of the BIA regarding how it is allocating funds and to explain which increases have not been shared equally with Self-governance tribes (one example of this is in law enforcement).

Santa Clara Budget Matters Illustrative of National Concerns. The following budget issues are specific to Santa Clara Pueblo, but are representative of budget issues that are faced by many other tribes.

- **Investing in Indian Country Energy Development - Energy and Transmission Development at Santa Clara.** Santa Clara has been approached by a number of companies with regard to proposed transmission and energy development projects. Santa Clara is now submitting grant applications to fund various feasibility studies for these projects, which include possible expansion of an existing transmission corridor, as well as such energy generation projects as geothermal, waste to energy, solar and biomass. Santa Clara has recently met with both the Department of Energy Office of Tribal Affairs and the BIA Office of Indian Energy and Economic Development. Santa Clara found both offices to be very helpful and encourages increased funding for these programs.
- **Investing in Health Facilities - Planning for a new Santa Clara Health Clinic.** Santa Clara desperately needs a new and expanded health clinic. The health care crisis that afflicts many Native populations throughout the United States is particularly severe in New Mexico. Of 20 indicators of health disparities among racial and ethnic groups in the state, American Indians in New Mexico have the highest (worst) disparities in many areas, including rates of death two or more times higher than other groups related to alcohol, diabetes, late or no prenatal care, motor vehicles, youth obesity, and youth suicide. Ironically, overall funding for the Albuquerque Area is 1/3 less than the national IHS average. Severe overcrowding is further compromising care at the Santa Clara Health Center. Santa Clara does not believe that the Indian Health Service has the funding to pay the cost for constructing a new facility and so it plans to finance its own facility if necessary. However, Santa Clara needs development funding for planning and design. Congress should support funding for more hospital construction and also continue to support and provide favorable grants and loan and loan guarantees for tribes that seek to construct their own facilities.
- **Investing in Irrigation Infrastructure - Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding.** Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009, Pub. L. 111-11. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. Notably, the Bureau of Reclamation and Bureau of Indian Affairs already compiled a Year 2000 Report entitled, “Pueblo Irrigation Facilities Rehabilitation Report” on the desperate deterioration of the

ancient systems of the Rio Grande Pueblos. Santa Clara Pueblo's Irrigation System consists of 14 miles of earthen and concrete-lined canals that have continued to be in operation since the early 1300's. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. Santa Clara is currently looking at the redesign of the first four (4) miles of our main canal that supplies irrigation water to the majority of our farm lands. The design is complete; however, we lack the resources to complete the project in its entirety until Congress funds this Act.

- **Investing in Elder Care - Completion of the Santa Clara Pueblo Adult Day Care Center.** There is a rapidly growing elder Indian population. In late 2009, the Santa Clara Pueblo completed construction of a 10,800 sq. foot regional adult day care center that will be able to serve a growing population of tribal seniors from the Eight Northern Pueblos, as well as local residents who may be afflicted with anything from dementia, Alzheimer's, mental illnesses or other frailties. For Pueblo residents and local community members, the center holds out the promise that they will not have to leave the reservation (or local community) for treatment, experiencing separation from their families and friends and sometimes culturally inappropriate care. To get the program operational, the Santa Clara Pueblo would need the following multi-year funding (all inclusive of salaries, utilities, furnishings, supplies, training, travel, etc.): Year One: \$305,033; Year Two: \$331,158; Year Three: \$360,750.
- **Investing in Wastewater and Water Infrastructure Improvements - The Pueblo of Santa Clara Wastewater Systems are in an Advanced State of Decay and threaten community health and the water quality of the Rio Grande.** The majority of the Santa Clara Pueblo is served by a wastewater collection system comprised of old 4" terra-cotta sewer pipes, which convey wastewater to a series of lagoons located south of the Main and South Villages, north of the Rio Grande. This system was largely constructed in the 1960s and 1970s. Additionally, some residents are only served by aging septic systems. Notably, the lagoon "treatment system" has been a long-time source of problems. Liners are frequently damaged and are costly to replace. Sampling and analysis of ground water from monitoring wells has revealed contamination due to leaching of wastewater through the lagoons. Groundwater impacts in this area will likely also impact the surface water quality of the Rio Grande. Secondary and advanced treatment of wastewater via a modern wastewater treatment facility is needed for the health of both the Pueblo and the surrounding environment. The Pueblo is seeking resources for the design and subsequent construction of the Wastewater Collection System and Treatment Facility Improvements. These improvements would incorporate removal and replacement of existing vitrified clay sewer pipe with PVC pipe, removal and replacement of existing manholes, installation of new collection sewer lines, manholes, lift stations and force mains, and installation of a new state-of-the-art wastewater treatment facility. The collection system improvements can be divided into two phases: Phase I for the Main, East, West and Guachupangue Areas and Phase II for system extensions and interconnection of the South Areas. *With regard to* water systems, the Pueblo is in Phase II of a three-phase project to replace our antiquated water systems. The Pueblo has received over \$2.2 million from the State of New Mexico and has contributed tribal matching funds. The Pueblo is seeking Federal resources for this project, and is approaching the USDA Rural Development program.

- **Espanola Valley Watershed Feasibility Study Funding and WRDA Cost-Share Waiver.** The purpose of the Espanola Valley Feasibility Study is to address ecosystem restoration and critical health and human safety concerns specifically flood protection and flood reduction measures along all of Espanola River Valley from southern border of San Ildefonso Pueblo to northern border of Ohkay Owingeh including Santa Cruz River up to Santa Clara Boundary and Santa Clara Creek up to irrigation inlet (7 miles Santa Clara Creek). The project includes Santa Clara, Ohkay Owingeh, & San Ildefonso Pueblo. The partnership for this study is unique as it is the first time in the history of the United States that three Tribal Governments have joined together. The sponsors are not only working to accomplish their own shared health and human safety concerns (flood protection/flood reduction) and environmental restoration goals, but are addressing the health and safety and environmental restoration for all communities in the project area. To date the Pueblo sponsors and US Army Corps of Engineers have completed work on an existing conditions report that includes: Comprehensive hydrologic, hydraulic, and geomorphic modeling, detailed mapping of the project area, analysis existing conditions for: flood hazards, soils, geology, channel stability/instability, sediment generation/deposition, infrastructure/property, habitat, wetlands, land use, and environmental studies to characterize the project area and develop the baseline data for any potential ecosystem restoration. The estimate project cost of the Espanola Valley GI Feasibility Study is approximately \$4.3 million with 50 percent federal and 50 percent non-federal. To date the Pueblos have met their cost share obligations with in-kind and cash contributions. The Project has been well received by the US Army Corps of Engineers and US Congressional Delegation and has been identified as a priority project for funding.
- **BIA Real Estate Services.** It has become evident to Santa Clara that the Real Estate Services of the BIA are inadequately funded. These services address cadastral surveys, lease compliance and energy and mineral development issues. For Santa Clara, which is engaged in a boundary dispute and is working on important easement issues, the cadastral survey issue is particularly important. The funding available is probably one quarter of what is needed. Interior has insufficient funds to meet the need for administrative and technical functions that support pending projects associated with critical transactions for many Tribes. In the Southwest Region, there are something like 138 pending requests from 24 Tribe & 1 Chapter.
- **Passing the Carcieri “Fix.”** The problems caused by the Supreme Court’s decision in *Carcieri v. Salazar* do not directly affect Santa Clara, which was clearly “under Federal jurisdiction” in 1934 for the purposes of that decision. However, it is still important that this holding be overturned by Congressional legislation. The President has included Carcieri “fix” language in his FY 2012 budget, and this Committee strongly supported “fix” language in the last Congress, including it within the FY 2011 appropriations bill. Passing this legislation will prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

Conclusion. Thank you for this opportunity to present the Budget perspective of the Santa Clara Pueblo. Please do not hesitate to contact me if the Subcommittee should require any further information.

Mr. COLE. It was like to the second. Did you practice?

Mr. DASHENO. No, I did not, but certainly, Mr. Chairman, and Mr. Cole, I support what Governor, former Governor Tortalita has said. We need to put our hand out to the veterans. That is an organization that is widely needed and also to the elderly. We met with some people yesterday, but there is very little involvement of support from the national programs that support Indian issues for the Native elderly, and we have some recommendations that we will come back with.

So with that, congratulations. Thank you very much, and the United States has to be something to be proud of in the passing of what has happened over the weekend. So thank you.

Mr. COLE. I think all of us, regardless of our points of view, take a great deal of pride in what our military did, and again, thank you for your service. Thank you for mentioning veterans.

I see Mr. Calvert is here. I do not know if you have any questions of either of our guests.

Mr. CALVERT. Mr. Chairman, I apologize for being a little late but—

Mr. COLE. I am just happy to have the company.

Mr. CALVERT. Thank you.

Mr. COLE. Thank you very much.

If we could, we will move onto Faye BlueEyes. Welcome.

Ms. BLUEEYES. Thank you.

Mr. COLE. We will go ahead and hear your testimony and then have questions.

TUESDAY, MAY 3, 2011.

DZILTH-NA-O-DITH-HLE COMMUNITY SCHOOL

WITNESS

FAYE BLUEEYES

Ms. BLUEEYES. Mr. Chairman, members of the subcommittee, my name is Faye BlueEyes, and I am the program director for Dzilth-Na-O-Dith-Hle School, which is a school on the Navajo Reservation in Bloomfield, New Mexico.

Our school has been in continuous service since 1968, and operates a K–8 educational program and a dorm program for students 1 through 12. Two hundred students are enrolled in our school, and 51 students are in the dorm. Our mission is to make a difference in the educational progress of our students, and we believe that all of our students are capable of achieving academic success.

But we struggle with chronic under-funding of virtually each and every one of our educational and related programs. Though we operate with authorization from the Navajo Nation, we are a separate tribal organization, carrying out the federal trust responsibilities to educate Native American children under the Indian Self-Determination Act.

Our buildings are more than 40 years old with serious deficiencies in our aging electrical, heating, and plumbing systems. We have to continually cope with major problems such as leaking sewer lines and in November, '09, we discovered a major leak in

an underground gas line which threatened to cause an explosion at our school.

Recently, the electrical panel in our gym caught fire and had to be disconnected. The gym does not have a sprinkler system, so we were fortunate to catch the fire early and avoid serious injury to our students.

The Bureau has a process for evaluation school construction projects and placing them on a priority list for funding, but no new projects have been added to the list since 2004.

Our school and many of the Native American schools are in dire need of school replacement, so we urge Congress to direct the Bureau to reopen the process by which schools can submit applications for replacement school construction projects and to restore 61 million to the school construction account.

The deferred maintenance backlog for school buildings is well over 250 million, yet the Bureau requested only 50.7 million in the fiscal year 2012 budget, a mere fraction of what is required to make a significant dent in the maintenance backlog.

Funding of 76 million for facilities' maintenance and 110 million in facilities' operation funding is but a modest first step in addressing these long-neglected needs. The very real health and safety risks that can be reduced by adequate O&M funding seems short sided.

Funding for tribal grand support costs of 72 million in contrast to the 46 million in the fiscal year 2012 budget request, this is the amount calculated by NCAI as needed to fully fund the indirect cost requirements of current tribally-controlled schools and provide 2 million in start-up funds for newly-converting schools. Tribal grant support costs are funds provided to tribally-operated schools to cover the administrative costs associated with the operation of a school.

One-hundred twenty-four of the 183 Bureau-funded schools are operated by tribal school boards. In fiscal year 2010, the funding met only 61 percent of the need, the lowest rate to date. The Bureau estimates the 3 million increase requested for fiscal year 2012 will fund 65 percent of need, but we believe the 65 percent projection is highly optimistic.

The consequence of insufficient funding means that we absorb more administrative expenses and scale back on prudent management activities. It is hard to comprehend that non-school BIA and IHS contractors have received huge increases in the FY '10, budget when tribally-controlled schools have received no increase in funding since 2004.

Then the fiscal year 2012 budget requests an increase of 25.5 million for BIA non-school contractors and 50 million increase for IHS contractors while the increase requested for schools is only 3 million. This disparity in the funding is unexplained.

Good education costs money, and it is our hope and expectation the Congress will recognize the tremendous needs that exist in our Bureau-funded schools and the potentially-disastrous impact of budget reductions. Please join us in supporting a quality educational program for all Native students.

We are grateful for any assistance you can provide. Thank you.
[The statement of Faye BlueEyes follows:]

**DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)
Navajo Nation, Bloomfield, N.M.**

Testimony of Faye BlueEyes, Program Director

Regarding

Bureau of Indian Education Fiscal Year 2012 Budget

Before the House Interior, Environment and Related Agencies Appropriations Subcommittee

May 3, 2011

Mr. Chairman and Members of the Subcommittee:

Request Summary: My name is Faye BlueEyes, and I serve as the Program Director for the Dzilth-Na-O-Dith-Hle Community School ("DCGS") on the Navajo Reservation in Bloomfield, New Mexico. My testimony is submitted on behalf of the DCGS School Board and Mr. Ervin Chavez, its President, and will focus on three areas of particular concern to our School in the Fiscal Year ("FY") 2012 funding requests for the Bureau of Indian Education ("BIE"). Specifically DCGS is requesting the following:

1. For the BIE, funding for Tribal Grant Support Costs in the amount of \$72.3 million to fully meet the indirect costs incurred by all tribally operated schools.
2. For the BIE, to restore \$60.9 million in reductions to the Facilities Construction and Repair Account.
3. For the BIE, provide \$109.8 million in facilities operations and \$76 million in facilities maintenance as recommended by the National Congress of American Indians in its Budget Requests.

Background: DCGS is located in Bloomfield, New Mexico, approximately 170 miles northwest of Albuquerque within the boundaries of the Navajo Indian Reservation. Bloomfield has an estimated population of 7210, with a per capita income of \$14,420, and a median family income of \$34,760. DCGS is a tribally controlled grant school primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education. Our school, which has been in continuous service since 1968, operates a K-8 educational program, and a dormitory program for students in grades 1-12. Residential students in grades 9-12 attend the local public school. Currently, 200 students are enrolled in our academic program, and 51 students are housed in campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. Our mission at DCGS is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. DCGS, however, has struggled with chronic underfunding of virtually each and every one of its educational and related programs: in the Indian School Equalization Formula ("ISEF") which is the key budget account for the academic program; in our student transportation funding; in the administrative grants given to fund the expenses needed to operate our program, now known as "Tribal Grant Support Costs" or "TGSC"; and in our facilities operation and maintenance accounts. In

addition, our school facilities' conditions have consistently been rated as "poor" by the BIE. Though we operate with authorization from the Navajo Nation, we are a separate "tribal organization." Thus, when we do not receive adequate funding, we have nowhere to turn to make up the difference and our academic mission is jeopardized.

Quite illogically, spending for Indian education programs is considered a "discretionary" part of the federal budget. To the contrary, adequate funding for these programs is absolutely critical, and must be considered a bipartisan priority. While we all recognize that the FY12 budget is being considered in a time of great economic and fiscal challenges, please do not forget that the Indian school system has been historically underfunded, the facilities within which it operates have long been neglected, and we simply cannot continue to absorb more and more draconian budget cuts. With all of these factors in mind, we address our funding priorities below.

Request No. 1: Funding for Tribal Grant Support Costs in the Amount of \$72.3 million, in contrast to the \$46.3 million in the FY12 Budget Requests. This is the amount calculated by NCAI and others as necessary to fully fund the indirect cost requirements of current tribally-controlled schools plus provide \$2 million in start-up funds for newly converting schools. The FY12 budget requests no funding dedicated to costs incurred by new schools.

"Tribal Grant Support Costs" or "TGSC", formerly known as Administrative Costs Grants, are funds provided to tribally-operated Schools by the Federal Government to cover the administrative or indirect costs associated with the operation of a School. This funding is applied to the costs of payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. TGSC are appropriated in a lump sum and then awarded to individual schools after application of a complex statutory formula that divides the available funding among eligible recipients. Currently, 124 of the 183 BIE funded schools are operated by tribes or tribal school boards. In FY10, the funding available for TGSC met only 61% of the need of the schools, the lowest rate to date. The BIE estimates that the \$3 million increase requested for TGSC for FY12 will fund 65 % of need, but with the ever increasing number of reporting and other requirements placed on tribally operated schools, the ever rising costs of personnel, and the likelihood that the pool of schools among which the funding is divided will increase in FY12 by several schools, we believe that the 65% projection is highly optimistic.

The consequence of insufficient TGSC means that we constantly absorb more and more administrative expenses and scale back on prudent management activities. We have had to reduce our management staff to the point that our ability to maintain prudent internal controls and checks and balances is compromised, and money has to be diverted from important academic programs. In contrast to the grossly inadequate funding for the administrative costs incurred by school contractors, non-school BIA and IHS contractors have been the recipients of significant increases in contract support funding. Tribally controlled schools have received *no* increases in funding since FY04, yet the FY12 budget requests an increase of \$25.5 million to fund CSC for BIA non-school contractors (with an additional \$2 million for new contractors) and a \$50 million increase for IHS contractors, in addition to generous increases received in the FY10 enacted budget. This disparity in funding is unexplained and indefensible.

Request No. 2: Restore \$60.9 million dollars to the Education Construction account.

The FY12 Budget Request would place a freeze on 'new construction' and would defer replacement facilities construction to place more emphasis on repairing critical building deficiencies. This reduction in funding has been justified by the Department in light of the "substantial investment" made in Indian Schools and detention centers under the Recovery Act, funding for which will be phased out in FY12. Despite this so-called "substantial investment, the reality remains that 66 of the 181 schools for which BIE is responsible are rated in "poor" condition on the Bureau's "Education Facility Condition Index for Fiscal Year 2011", an increase of two schools from December 2009, when the last listing was published. NCAI, in its FY12 budget requests estimated that it would take \$263.4 million just to keep pace with the growing need for facility construction and repair, and yet the budget requests *no* funds for construction, and only \$13.8 million to address critical repair needs. DCGS's facilities are rated as "poor" by BIE with an estimated \$19,141,580 in estimated replacement cost, with a deferred maintenance backlog of \$7.7 million dollars. Our buildings are more than 40 years old, with serious deficiencies in our aging electrical, heating and cooling and plumbing systems. We have to continually cope with major problems such as leaking sewer lines under the school; and in November 2009 we discovered a major leak in an underground gas line which threatened to cause an explosion at the school, which then had to be closed for two weeks so the gas company could perform the extensive excavation work needed to do repairs. Just recently, the electrical panel in our gymnasium caught fire and had to be disconnected. Because the gymnasium does not have a sprinkler system, we were fortunate to catch the fire as early as we did and avoid serious damage to the building.

The Bureau has a process for evaluating school construction projects and placing them on a priority list for funding. No new projects, however, have been added to the list since 2004, and DCGS has not had the opportunity to make its case for a replacement school. For these reasons, we urge Congress to direct BIE to reopen the process by which BIE-funded schools can submit applications for replacement school construction projects. We also urge Congress to restore the \$60.9 million to the school Construction account. While this is a far cry from the amount needed to fully address the needs of tribally-operated schools, it will permit some progress in addressing the often dire conditions in which our students attend school. To be frank, no other parents across America would accept the conditions under which Indian children attend school every day.

Request No. 3: Funding for Facilities Maintenance in the amount of \$76 million and Facilities Operations in the amount of \$109.8 million. As reported by the Government Accountability Office, more than 50 per cent of BIE school buildings are more than 30 years old, and 20 per cent are more than 50 years old. It stands to reason that in order to extend the useful life of BIE's education buildings adequate funding for ongoing and effective maintenance must be provided. This funding is needed to provide preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. The deferred maintenance backlog for BIE's school buildings, as reported by BIE for Fiscal Year 2011, however, is well over \$250 million; yet BIE has requested only \$50.7 million for facilities maintenance in the FY12 budget, a mere fraction of what is required to make a significant dent in the maintenance backlog.

Facilities operation funding covers ongoing operational expenses such as payment for electricity, heating fuels, communications, ground maintenance, vehicle rental, refuse collection,

water and sewer service, fire and intrusion monitoring, among other functions. NCAI has calculated that facilities operation expenses are currently funded at only 46% of need. Yet, BIE has requested only \$58.7 million for FY12, a decrease of \$751,000 from the FY10 enacted amount, despite the fact, as we are all aware, the cost of these essential services, particularly the cost of electricity and heating costs continues to escalate.

The decision to eliminate all funding for new or replacement school construction, while failing to otherwise address the very real health and safety risks that can be reduced by adequate facilities maintenance funding seems shortsighted to say the least. Further, Congress must recognize that when the BIE fails to fund facilities operation costs at a realistic level, small, preventable problems become bigger and more expensive to address, and in emergency situations, school funding must be diverted from other programs to meet these needs. In light of these realities, NCAI's proposal of \$76 million for facilities maintenance and \$109.8 million in facilities operation funding, is but a modest first step in addressing these long-neglected needs.

Conclusion

Lawmakers on both sides of the aisle have endorsed the education of our children as one of our highest national priorities, through the provision of better teachers, better instructional materials, appropriate facilities, and more innovative opportunities. Good education costs money, and it is our hope and expectation that Congress will recognize the tremendous needs that exist in our BIE-funded schools, the potentially disastrous impact of budget reductions, and the need to address the historic underfunding of our school system. Please join us in supporting a quality educational program for all our students. We are grateful for any assistance you can provide.

Respectfully submitted,

Faye Blue Eyes, Program Director,
Dzilth-Na-O-Dith-Hle Community Grant School
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Bloomfield, NM 87413
(505) 960-6681
heywoman87417@yahoo.com

Mr. COLE. Thank you very much for your testimony. Just a quick question or two.

In addition to the federal funds you receive, do you have any other sources of funding?

Ms. BLUEEYES. We are totally dependent on federal funds.

Mr. COLE. Has there been any effort to look for other funding?

Ms. BLUEEYES. Well—

Mr. COLE. And I do not want to suggest that is my preferred solution. I understand the challenges you are dealing with.

Ms. BLUEEYES. Well, we are going to have to start trying to find some funding elsewhere, but we are not one of the rich casino tribes, so we have nowhere to turn but the Federal Government.

Mr. COLE. And just for the record, would you give the committee an idea of what the per capita income in your area is?

Ms. BLUEEYES. It is like \$14,750.

Mr. COLE. So quite challenging to raise much local revenue.

Ms. BLUEEYES. Yes, and no tax base either.

Mr. COLE. Absolutely. Well, thank you very much for your comments. Do not leave. There may be other people with questions.

Ms. BLUEEYES. Okay.

Mr. COLE. We will certainly begin with Mr. Moran, my good friend who has a passionate interest in this and who has done a lot of great work in these areas for Native Americans.

Mr. MORAN. Thank you, Chairman Cole. I will not ask any further questions. I think that is the issue, your dependency upon the Federal Government and our ability to come through with your most basic necessities.

Ms. BLUEEYES. Yes.

Mr. MORAN. I do thank you for traveling so far as have all the other witnesses and just speaking for myself, I certainly intend to work with Mr. Cole and his leadership, Mr. Calvert and Chairman Simpson in trying to do as much as we can for the American Indian tribes, particularly those that do not have the kinds of resources that other tribes may have.

Ms. BLUEEYES. Thank you.

Mr. MORAN. So thank you.

Ms. BLUEEYES. Thank you.

Mr. COLE. Mr. Calvert.

Mr. CALVERT. No further questions other than to thank the gentlelady for coming today, and certainly we will work with Chairman Cole and Mr. Moran and others to help out Indian Country.

Ms. BLUEEYES. Thank you very much.

Mr. COLE. Thank you very much for your testimony.

If we could next, President Shelly, Navajo Nation.

Mr. President, how are you?

Mr. SHELLEY. I am okay. Fine. Thank you.

TUESDAY, MAY 3, 2011.

NAVAJO NATION

WITNESS

BEN SHELLEY

Mr. SHELLY. I would like to say first off that, you know, this is a wonderful country, the United States of America, and we have a policy which is the constitution, United States Constitution. Within that constitution we have under a commercial clause the treaty clause and also property clause, and I believe that with the constitution is our founding father made policies, and I think we need to obey that.

Mr. Chairman, members of the subcommittee, good morning. I am Ben Shelly, President of Navajo Nation. To fight for overall prosperity of our community we ask your committee to work with us and support the following priorities in your Interior budget; infrastructure development, energy, health, public safety, and education. The Navajo Nation.

At the Navajo Nation we have a unique relationship with the Federal Government. We hope to further our relationship as recognized by the Navajo Treaty of 1868. Your committee can help fulfill that treaty obligation and other promise made over our history.

Navajo support job creation, infrastructure energy development. Infrastructure development is a key to job creation. For this reason the Navajo Indian Irrigation Project, NIIP, needs full funding. NIIP stimulates the economy and the regions. In the proposed 2012 federal budget NIIP funding was reduced to \$4 million. That is embarrassing. Without consulting with the Navajo Nation, Congress had passed a law and promised to fund NIIP in its entirety, which is estimated at a cost of \$500 million to complete.

Congress should restore the funding to the NIIP to \$26 million per year for the next 10 years. The Navajo Nation supports other infrastructure projects, the Navajo-Gallup water pipeline. This is an infrastructure project that will supply water to residents in the region and stimulate farming and agriculture. Additionally, the Nation is working to develop a vast energy resource for job creation.

Support hospital facility construction priority. Health facility construction funding is critical in our remote but populated area. The Nation had five projects on the existing IHS health construction priority listing whose costs estimated in a total of \$1 billion. Funding shortfall would delay the building of these necessary projects. We support funding this line item in 2010 level.

Public safety and justice service. Two hundred-ninety Navajo Nation law enforcement officers patrol over a vast reservation that is equal to the size of West Virginia. There is one police officer for every 1,000 residents, and each patrolling the region of 5,000 square miles. Public safety requires full funding at approximately \$55 million. Further, the proposed 2012 federal budget includes costs to facility construction, which funds jail replacement and employee's housing. These cuts will impact the safety of our community. We support funding at 2010 level.

Education. Facility and school construction programs were eliminated in the proposed 2012 federal budget. The Nation has many substandard school facilities that need replacement to provide a safe learning environment. School construction dollars need to be restored to 2010 funding level. Annually the Navajo Nation receives about 13,000 applicants and only half are awarded funding to assist with the higher education costs. We request an additional \$25 million for these education costs. Full restoration of the Pell

Grant, and Carl Perkins Fund and others ensure the Navajo student contributes to the American workforce.

Conclusion, the annual federal budget provides essential needs to Indian Country, however, since drastic cuts are made to the proposed 2012 federal funding, we insist that this subcommittee and other members of Congress hold the Navajo Nation and other nations harmless from additional cuts for the 2012 budget. We request that this subcommittee honor your treaty obligation and support our budget recommendation for fiscal year 2012.

Thank you very much. I still have time.

[The statement of Ben Shelly follows:]



Ben Shelly, President -Navajo Nation

**Before the House Appropriations Committee:
Subcommittee on Interior, Environment and Related Agencies**

Washington, DC – May 3, 2011 (Rescheduled from April 12, 2011)

Mr. Chairman and Members of the Subcommittee:

Ya'at'eeh Abini'. Good morning everyone, Ashini' shi ke' doo shi dine', I am Ben Shelly, President of the Navajo Nation, I am 3 ½ months into my administration and we have been in the process of making drastic changes to improve services to our Navajo people. Our priorities include economic/infrastructure development, energy, health, public safety, and education, in which we request to receive adequate funding from the Bureau of Indian Affairs (BIA), Abandoned Mine Lands program (AML), Water Development programs, and Pell Grants and Carl Perkins funds.

Navajo Nation Background

It is a new beginning for our Navajo Nation and people, and we have started to restructure and streamline a solid foundation for our future generations. The Navajo Nation has about 275,000 tribal members living on about 27,000 square miles of land within the boundaries of Arizona, New Mexico, and Utah. The Navajo Nation has existed since time immemorial. Our Nation maintains a government-to-government relationship with the United States, which has been recognized since the *Navajo Treaty of 1868*. Some of the compromises in the Treaty required the Navajo people to settle within the boundaries of the Navajo reservation, and to quit warring with the military and western explorers. In exchange the federal government agreed to provide health services, educational services, protection, and farmlands to benefit the Navajo people.

Supporting Infrastructure, Energy Development, and Job Creation

Economic and Infrastructure Development will help support job creation. This development will include improving roads, connecting water and sewer lines, and electricity to homes. Community development includes health services, emergency and homeland security services, which needs continued funded to provide these basic services. Many Navajo people struggle with the ills of poverty that place the reservation among the lowest brackets of socio-economic indicators for any region in the United States. Data indicates that 48% of the Navajo people are unemployed and 40% have incomes below federal poverty levels.

With continued funding, Navajo Agricultural Products Industry (NAPI) will continue as a viable agronomical farm and feedlot operation. The 2012 budget reduced funding for the Navajo Indian Irrigation Project (NIIP). NIIP still needs \$500 million to complete the project and cover other expenses. Funding this project was part of the promise the federal government made through P.L. 87-483 to fund NIIP.

The Navajo-Gallup water pipeline will support Navajos to becoming self-sufficient again through farming. We will take a multi-level approach to begin infrastructure development and capitalize on our energy resources to meet Navajo people's needs, and supplement the United States' energy needs. Several energy options are at our disposal, and they include renewable and non-renewable natural resources like large reserves of coal, oil and natural gas.

Support the Hospital Facilities Construction Priority List

Basic health care services are critical in our remote and populated areas. An urgent, long-term necessity is in Hospital Facility Construction. The Navajo Nation has five projects on the existing priority list that exceed, in total, one billion dollars. Funding shortfalls will delay the building of these needed projects. The Navajo Nation has a large hospital facility, Gallup Indian Medical Center, which was cited by the U.S. Commission on Civil Rights as an "utter disaster," because it requires \$600 million to build the facility. Other hospitals and clinics need an additional \$500 million in appropriations to build facilities. These priority sites include Winslow-Dilkon, Kayenta, Pueblo Pintado, and Bodaway-Gap.

Public Safety and Justice Services

Our Courts and Law Enforcement programs need to be funded at adequate levels to make our communities safe and prosperous. We require to be funded at 100%, which is approximately \$55 million, from the Bureau of Indian Affairs to fully staff our police force. The reservation is nearly 27,000 square miles with only 290 officers to cover this large area on 24 hours on 7day shifts. Right now, there is one law enforcement officer that provides safety services for every 1,000 residents and covers up to 5,000 square miles. We need additional highly trained officers to support our cross-deputization efforts with partners like the state police and county sheriffs. The President's 2012 budget includes major construction cuts to facility replacements and employee housing. There is still substantial need to replace old, dilapidated jails and employee housing.

Education

The President's 2012 replacement facility and school construction programs were eliminated. The Navajo Nation has many run down schools that demand replacement. These facility construction line items should get funding restored to the 2010 levels.

Annually, the Navajo Nation Scholarship Office receives 11,000-14,000 applicants, and only half are awarded to assist with higher education costs. Currently the Navajo Nation Scholarship Office is requesting for an additional \$25 million from BIA. The restoration of Pell Grant, Carl Perkins grants and other educational grants will ensure the Navajo Nation contributes educated, tax-paying citizens to the American workforce.

Conclusion

The world and the United States are in a financial crisis, and this trend is likely to continue for several years to come. The Navajo Nation is thinking bigger to meet the demands of social, economic, and environmental issues for our people. Our Nation is one of the largest, and we do big things to assist our homeland, just as our Navajo Code Talkers contributed to the security of military operations by using the Navajo language in the 1940's and 1950's. We will continue to collaborate with our partners and neighbors to accomplish our goals to benefit the Navajo people.

The needs are great for the Navajo Nation, but the development of our Nation will be a support to the global and United States economies. Since the federal budget for FY 2011 is being drastically cut in various areas, most likely with discretionary funds, I request that this sub-committee and other members of Congress, hold the Navajo Nation and other Native Nations harmless from additional budget cuts for FY 2012. Aheehé', Thank you.

Mr. COLE. I am fairly impressed. Mr. Chairman, I will tell you.

Mr. SHELLY. I am a BIA-educated person. How far I went. Could you imagine these college kids nowadays?

Mr. COLE. Rather than use my time as the acting chairman, I want to immediately defer to the real chairman of this committee, Mr. Simpson, by whose courtesy I sit in this chair today, so I recognize that and appreciate that. Mr. Chairman, do you have any opening questions?

Mr. SIMPSON. No. I really do not, but I want to thank you for being here and your testimony, and I apologize for our earlier schedule of having the Indian tribes come and testify a couple of weeks ago, I guess it was, or three weeks ago when we were scheduled, but we were in the middle of a little bit of a debate about the budget, and we were not sure we were going to be open the next week, and all that kind of stuff, and so we decided it was best to cancel them rather than have everybody here and then us be closed. So we know that is an imposition to all of you that came to testify, and thank you for coming back as we rescheduled this.

Mr. SHELLY. Yes. Can I say something on that? We were ready for the shutdown, but when we done that, we would also look at our finance we depend on mostly, we found out three-fourths, well, let's say about 80 percent of our budget is dependent on Federal Government, and we are going to turn that around. We are going to try to change it to where it is about equal. We are trying to work with energy policies and others to make that happen.

All it is this Code of Federal Regulations prevent us to do things. We need to change, be more flexible with that and working with the Interior and Congress that maybe energy policies so that we can use our natural resources to create jobs, economics, and so on.

So we are working on that so we realize that depending on the Federal Government should not go on forever. We need to stop that somewhere.

Mr. SIMPSON. Thank you.

Mr. SHELLY. Thank you. All right.

Mr. COLE. No, no. We are not done yet.

Mr. SHELLY. We are not done? Oh, I am sorry.

Mr. COLE. I am sure there will be other questions. I want to call on Mr. Moran for any questions.

Mr. MORAN. That is fine, Mr. Cole. Thanks.

Mr. COLE. Mr. Calvert, do you have any?

Mr. CALVERT. No questions at this time. Thank you.

Mr. COLE. I have one question actually. What would have been the consequences for you and for the Navajo Nation had there been a Federal Government shutdown?

Mr. SHELLY. Probably what we would have done is that the one that our probably police, fire department, some direct services are going to keep running. The one that is under 638, some of those would probably keep running, and I would say shutting it down we probably would be in operation to keep the Nation running about 30 percent. Everybody else would be off.

Mr. COLE. From an already pretty low level.

Mr. SHELLY. Yeah. Very low. So we had some general fund that picks up that 30 percent, too, so we do not have much, but we could have used that to run it.

Mr. MORAN. Will you yield, Mr. Cole?

Mr. COLE. Certainly will.

Mr. MORAN. So two-thirds of the activities on the reservation would be unfunded, would have shut down?

Mr. SHELLY. Well, most of them will be. It depends on what kind of grant it is, what kind of funding it is to base on that.

Mr. MORAN. I wanted to make sure I understood that. Thank you.

Mr. COLE. Yes. It is very uneven across Indian Country. It is obvious tribes that have other sources of incomes can continue to operate, but the more dependent you are to the Federal Government, the more challenging these kind of shutdowns are.

Mr. SHELLY. It is. It is. We realized that, and we are working on it heavily, and we want to turn that around somehow and creating jobs is very important to us and revenue. We have so much to offer with our natural resources. We have the sun, the wind, and just let us go. Take care of some of that Code of Federal Regulations that keeps us down, lift that for us, we can run with it.

Mr. COLE. If I can ask you one more question, maybe one or two more actually, Mr. President. You mentioned in your testimony and just alluded to the fact you have some energy projects that you think are important and would help you increase your self-sufficiency. Can you quickly tell us what those are and what the obstacles are for developing those kind of resources?

Mr. SHELLY. Let me put it this way. I did it in my testimony with Subcommittee on Energy with Indian Affairs. These are bipartisan groups that when we went before I mentioned something like Indian tribes are so heavily over-regulated. We are not playing the same level game as any other energy company. Like state, if we want to drill oil, it takes forever to get a permit because of the federal regulations. Yet a private business driller that is going to drill oil it does not take them long to get the permits, but there is a lot of difference.

Mr. COLE. Well, we would certainly like to work with you and see what we can do to streamline that process so you have more control over the resources in your own Nation and are able to use them as you see fit as opposed to how others may see fit.

Mr. SHELLY. It has to happen. You know, education, we have been, you know, taking our kids, give them an education, what we can muster in money to get them through. They are back. I have got one here. He is my energy policy advisor. Sam Wood. Look how young he is. Sam, get up. He is my energy policy. He is going to be doing all the policy for us. He has been working with Young, Chairman Young on the Subcommittee on Energy. He will be working with them, so he provides some draft from us.

They wanted to do it. I told him, I said, himself, I said, do not do it yourself. Let me get involved and let the Nation get involved because we know what we want done. So we are working with them. Maybe we can put it together and make it happen.

Mr. COLE. I would very much like to see any recommendations or proposals that you have that would assist you.

Mr. SHELLY. We want to work with you. I will make sure that Sam works with you on that to give you something we are working on at energy. We will do that. And, again, I would like to say really

recognize Native America. We offer so much. We fulfill our agenda with the United States Government. We have always done that. What is I hear this past Sunday, Geronimo E-KIA? There was youth and——

Mr. COLE. Geronimo is actually buried in my district, and I will tell you the Fort Sill Apaches were not happy at the use of that particular nickname.

Mr. SHELLY. I know. I got a lot of emails and Facebook that says they are questioning that, and the code talker. We have one left out of 29 code talkers, and a lot of us like to, I will tell you right now to tell you the truth, a lot of us if the language, the Navajo language was never used, a lot of us will not be here.

Mr. COLE. Again, as one of my Fort Sill Apaches pointed out, they would have never gotten Geronimo. He came in voluntarily. Thank you very much, Mr. President. Appreciate it.

I am sorry. I did not see you come in Mr. Flake. I apologize. Questions or comments?

Mr. FLAKE. No.

Mr. SHELLY. See, he is part of the subcommittee.

Mr. COLE. Well, it is good to have him on your side of the table. He may be in a much higher body not too long from now.

Mr. SHELLY. He is a good man.

Mr. COLE. Mr. President, thank you very much for your testimony. We appreciate it very much.

And if we could, we will move onto Ms. Garcia.

Oh. I am sorry. We just have you in a different panel, but that is fine. We would be more than happy to take your testimony right now. Thank you very much. I am sorry.

Mr. MAXX. I have to sit here with my president.

Mr. COLE. Well, it is good to do what they tell you to do.

TUESDAY, MAY 3, 2011.

**NAVAJO HOPI LAND COMMISSION OFFICE OF THE
NAVAJO NATION**

WITNESS

RAYMOND MAXX

Mr. MAXX. Chairman and members of the subcommittee, thank you for the opportunity. My name is Raymond Maxx. I am an executive director of Navajo Hopi Land Commission Office. It is an entity of the Navajo Nation. Thank you for the opportunity to provide testimony on what is one of the most vexing matters in modern federal Indian policy and a true tragedy for the Navajo Nation.

When I was very young, my family lived in District 6, an area that was declared exclusively Hopi. Although we had lived there for generations, we were forced to leave. At the time the Federal Government provided no benefits for moving. We just had to move.

We relocated to the Big Mound Area in what was known as a joint use area, owned together by Navajo and Hopi according to court decree. In the late 1970s when we had just about reestablished ourselves and our livelihood after land a federal mediator divided the joint use area, and we found ourselves again on Hopi

land. We moved to the nearest portion of the Navajo Reservation, the Bennett Freeze area.

I do not think my parents fully understood at the time as a matter of federal law you would almost never get permission to fix your home in the Bennett Freeze, that you would not make additions, that no federal travel or state programs would assist your community through building of infrastructure essential to the health and well-being of any community.

As a result, the Bennett Freeze area was locked into the poverty of 1966, when the freeze was imposed. The final agreement to resolve the travel land dispute and end the freeze provided that most of the disputed area belonged to the Navajo Nation. For the thousands of Navajo families who lived there this means that the freeze served no real purpose other than to bring them misery and hardship.

In his proposed fiscal year 2012 budget President Obama has set aside 1.2 million to begin redeveloping the former Bennett Freeze area. In the budget justification the Administration notes that more than 12,000 Navajo people lived in an area where subject to the 41-year freeze on development. During the freeze era the Navajo people were prohibited from building new homes, schools, health facilities, constructing electricity, water, roads, et cetera, and community economic development projects.

While the President's budget request is welcomed, it is intended to be spent largely on land use and agricultural purposes. While these purposes are important, the number one need in this area based on extensive independent study completed last year is improving housing. I would propose that an additional 5 million in BIA funds be set aside for immediate critical housing repairs and construction and that this committee direct the BIA and HUD to come by with a larger housing construction plan for this area.

This committee should establish a trust fund for reconstruction of the former Bennett Freeze area with an initial investment of 10 million. For the former Bennett Freeze area to recover, there must be a sustained reconstruction program implemented over a decade or more.

Congress should authorize the Office of Navajo Hopi Relocation near to oversee their reconstruction activities with the Navajo Nation having the option of assuming control of these activities that affect Navajo people and lands as well as the option of assuming control of the trust fund proposed above.

Office of Navajo Indian Relocation, we would ask that the budget, which in recent years has ranged from 8 to 9 million, be increased to 50 percent, increased by 50 percent to accelerate the provision of benefits for those many families who relocated but have not received their benefits.

And in conclusion, although the Navajo Hopi land dispute and the Bennett Freeze are painful issues, I thank the committee for this opportunity to provide testimony on the path forward to assure that the many Navajo families who have suffered under these federal actions can have hope for a better life.

Thank you, and if you have questions, I am ready to respond.

[The statement of Raymond Maxx follows:]

**Raymond Maxx, Executive Director
Navajo-Hopi Land Commission Office, Navajo Nation
Testimony Before the
House Interior Appropriations Subcommittee**

Tuesday, May 3, 2011

Requests:

- **\$5 million** for housing improvements in the former Bennett Freeze Area of the Navajo Nation, out of BIA Trust Natural Resources and Housing Improvement Funds, Department of Interior
- **Establishment of a Former Bennett Freeze Area Rehabilitation Trust Fund with an FY 2012 funding level of \$10 million**
- **Increase Funding to the Office of Navajo and Hopi Indian Relocation by 50%**

Introduction. Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation.

Because my family was relocated twice by the Federal government, and now lives in the Bennett Freeze area where we have been subject to severe construction restrictions, we have unfortunately experienced every aspect of the issues we are here to discuss today. As a former Navajo Nation council delegate, I represented Tuba City and Coalmine Canyon, two communities in the Bennett Freeze Area. I can tell you that virtually every day, my constituents approached me to tell me of the hardships that they have suffered because of the relocation law and the construction freezes, including lots of young people whose families relocated and who now are homeless and landless. The impact of the Land Dispute and the Bennett Freeze will be with the Navajo Nation for many generations.

When I was just a toddler, my family lived in District Six, an area that was declared exclusively Hopi. Although we had lived there for generations, we were forced to leave. At the time, the Federal government provided no benefits for moving. You just had to move. We relocated to the Big Mountain area in what was known as the Joint Use Area, owned together by the Navajo and the Hopi according to a court decree.

In the late 1970's, when we had just about reestablished ourselves and our livelihood off the land, the Federal mediator divided the joint use area and we found ourselves again on Hopi land. We moved to the nearest portion of the Navajo Reservation, the Bennett Freeze, and there we have lived ever since. I don't think my parents fully understood at the time that you could not fix your home in the Bennett Freeze; that you could not make additions; that no Federal, Tribal or State programs could assist your community through the building of infrastructure essential to the health and well-being of any community.

As a result, the Bennett Freeze is locked into the poverty of 1966, when the freeze was imposed. It was only in the 111th Congress that the freeze legislation was finally repealed.

In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and “such other Indians as may already be located thereon.” This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a “freeze” on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the “poorest of the poor.” While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Thankfully, the two tribes reached agreement on a settlement of their disputes and last year the Congress passed legislation striking from the U.S. Code the language which had authorized the Bennett Freeze. The agreement provided that most of the area belonged to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

Expanding on President Obama’s Request for the Bennett Freeze – Adding \$5 Million for Housing Improvements. In his proposed FY 2012 budget, President Obama has set aside \$1.2 million “to begin redeveloping the former ‘Bennett Freeze’ area....” In the FY 2012 BIA Budget justification, the Administration notes that “[t]he Bennett Freeze was a product of a long-standing land dispute between the Navajo and Hopi reservation boundaries... more than 12,000 Navajo people living in the area were subjected to a 41-year freeze on development.... During the freeze era, the Navajo people were prohibited from building new homes, schools, health facilities, constructing (electricity, water, roads, etc.) and community and economic development projects.”

While the President’s budget request is welcome, it is intended to be spent largely on land use and agricultural purposes. While these purposes are important, the number one need in this area, based on an extensive independent study completed last year, is improved housing. For this reason, I would propose that an additional \$5 million in BIA housing funds be set aside for critical housing repairs and construction.

This Committee should establish a trust fund for reconstruction of the former Bennett Freeze area. For the former Bennett Freeze area to recover there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back four decades to the “War on Poverty” and the “Great Society Program,” and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes

lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development. Congress should authorize the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands, as well as the option of assuming control of the trust fund proposed above.

Office of Navajo and Hopi Indian Relocation. ONHIR has had a very difficult job that has taken far longer and cost far more than originally expected. However, this is not the fault of the Navajo Nation, which opposed the relocation program but now must live with its awful consequences. We would ask that ONHIR budget, which in recent years has ranged from \$8 million to \$9 million, be increased by 50% to accelerate the provision of benefits for those many families who relocated but have not yet received their benefits.

Conclusion. Although the Navajo-Hopi Land Dispute and the Bennett Freeze are painful issues, I thank the Committee for this opportunity to provide testimony on a path forward to assure that the many Navajo families who have suffered under these Federal actions can have hope for a better life.

Mr. COLE. Mr. Maxx, thank you very much for your testimony. I think we have heard about this issue before. It has been a matter of considerable concern.

I just have one question before I defer to my colleagues. You mentioned the Administration's proposed \$1.2 million to begin to address the problem. Have there in previous years been much in the way of funding to help deal with this freeze issue?

Mr. MAXX. There has been no federal funding until now with this Administration. They are creating a line item to address the Bennett Freeze issues, and the Bennett Freeze is like third world within the Navajo Nation. We are like 30, 40 years behind the mainstream Navajo, and you know, we need help to get back on our feet with, you know, support and funding to rehabilitate homes and infrastructure.

Mr. COLE. I just wanted to get into the record that to the Administration's credit they have actually proposed doing something, and nothing else had been done up to this point, but obviously, we have a terrific problem then.

Mr. MAXX. Uh-huh.

Mr. COLE. If I could, I will go to Mr. Moran for any comments or questions he might have.

Mr. MORAN. On the face of it, it seems probably unjust to the Navajo who were displaced. I do not know enough about it to offer thoughtful comments, let alone questions. I do intend to discuss this with you, though, Mr. Cole, if you do not mind, get your perspective but I remember we did do something last year, and I do think it is the kind of thing we need to focus on and see if we cannot rectify. Thank you.

Mr. COLE. Absolutely. Mr. Chairman.

Mr. SIMPSON. I would just say that I am in the same boat that Mr. Moran is. I have tried to understand this and what the heck the policies were that created this situation and how we get out of it and how we remedy it. It is a subject that, I do not know, I need a book or something, a little history book, that will give me the basis of how the genesis of all this and from that I would then be able to hopefully have a better opinion about what is going on, and now we might be able to help you solve the problem.

So if you guys have any information, I read all night long, so I would love to sit down and educate myself a little bit more about the policies that created this situation.

Mr. MORAN. Well, if Mike is going to read all night long, I will just wait until he reads it up, save myself some time.

Mr. COLE. Mr. Maxx, would you care to comment on either of these two remarks just in terms of helping educate the committee a little bit?

Mr. MAXX. The freeze was implemented in 1966, and——

Mr. SIMPSON. But why?

Mr. COLE. There was a dispute between the Hopi and the Navajo Nation.

Mr. MAXX. The land dispute between the Navajo and the Hopis.

Mr. COLE. And it took 41 years to make a decision.

Mr. MAXX. And through court actions and back and forth the two tribes sat down, and, you know, settled the dispute, and that was in 2006. Since then, you know, we have been, you know, reaching

out, you know, for development funds, and you know, the people in the area, they have been, you know, in probably worse state than depression for 40 years and——

Mr. SIMPSON. Because your economic development was frozen?

Mr. MAXX. Yes. Everything was frozen.

Mr. SIMPSON. Until a decision was made?

Mr. MAXX. Yeah.

Mr. CALVERT. Would the gentleman yield on that for a second? When you say frozen, does it mean that the funding levels were frozen at a certain amount for a period of time and the amounts for your neighbor, the Navajo, the rest of the Navajo Nation, had gone up? So, basically you were held at a lower amount for a longer period of time and that put you in that dire financial situation you were talking about?

Mr. MAXX. It is not the funding that was frozen. It was the——

Mr. COLE. They were not allowed to construct homes and such.

Mr. MAXX [continuing]. Development.

Mr. CALVERT. It was development?

Mr. MAXX. Yeah. Even if we were to receive funding, you know, we could not develop anything because we had to get permission from the Hopi Tribe and federal agencies.

Mr. CALVERT. Thank you.

Mr. MAXX. Yeah, and I have this information maybe I can forward.

Mr. CALVERT. Please do.

Mr. MAXX. And, you know, distribute it among the committee. That would be more information. We also have a bill that we would like to get introduced and then some pictures and more information that would, you know, address all the phases of the land dispute. There is a District 6 and the relocation and then the Bennett Freeze, and you know, this bill would, you know, encompass the whole, you know, the phases of the land dispute. And this land dispute has been going on for over 100 years.

Mr. SIMPSON. Is the land dispute resolved now since 2006, or whatever it was?

Mr. MAXX. The Bennett Freeze is resolved, and there is still some litigation outstanding in the relocation era, so it is almost resolved. Hopefully we can get past that and start rebuilding.

Mr. COLE. Right.

Mr. MAXX. With the support of the leadership here, you know, we can do that.

Mr. COLE. Mr. Calvert, do you have any additional questions?

Mr. CALVERT. No additional questions.

Mr. COLE. Mr. Flake.

Mr. FLAKE. No.

Mr. COLE. Thank you very much for your testimony, and thank you particularly for the submission of the additional information. Very helpful.

Mr. MAXX. Thank you very much.

Mr. COLE. Thank you. If we could, we are going to bring our next two witnesses up together. Martha Garcia and Nancy Martine-Alonzo. Thank you. It is good to have you here. I will be happy to let you choose who should speak first.

Ms. GARCIA. Okay. I will go first.

Mr. COLE. Please identify yourself for the record, please.
Ms. GARCIA. Okay.

TUESDAY, MAY 3, 2011.

RAMAH BAND OF NAVAJO/RAMAH NAVAJO CHAPTER

WITNESS

MARTHA GARCIA

Ms. GARCIA. My name is Martha Garcia. I am the Ramah Navajo Chapter Development Officer. Our President, Rodger Martinez, is not able to be here with us today because he has a conflicting schedule with the reschedule hearing date, but thank you for the opportunity. Mr. Chair, Mr. Simpson, and members of this committee, I am just really happy for me to come before almost a full committee. Over the years I have been coming here and presenting testimony, and this is the first time that I am really honored to be presenting before five members of this committee.

Today I am focusing on the need for additional fundings to address the unmet needs of our Ramah Navajo community, and our needs as we have presented earlier \$2,670,610 is our need, but then between the rescheduled dates, the Bureau of Indian Affairs came in and started working with us, so that has come down to \$2,400,000 plus, so it pays to make that extra effort to come before the committee and work with you.

So I just have to request the first one is the Bureau of Indian Affairs Office of Justice Service funding for the operations and maintenance of the detention facilities. Ramah Navajo Chapter has been submitting proposals over the years requesting for construction funds to build a detention facility. Our law enforcement detention center has been about the size of this room for many years since the '70s, and finally when the ARRA Fund came through we were very much surprised and very happy to have received an award of \$3.8 million to construct a detention facility. And it will be completed in the year 2012, which is only a year away.

But in the meantime now we need to staff the new detention facilities, and that is our request. It is a startup cost to pay for the equipment, furniture, and whatever that is needed to put the detention facilities up to standard and also to staff that. We would need to staff that, so there is a one-time funding request and then a recurring fund, and I know that within the budget request there is an increase being proposed of \$10.4 million to address the need to staff many detention facilities across the Indian Country.

And we would like to ensure that our request, and we support that effort to have this done so that we can be part of that, and our request is at \$1.8 million, and in regard to that part of it, we hope that it would become a recurring fund so we would continue to maintain and operate the detention facilities.

Our second request that we have been coming here for and slowly we are making progress is to fund the Natural Resources Training Facilities in the amount of \$600,000. It was more in the previous year. We were very fortunate that we were able to get \$150,000 from the State of New Mexico over a year ago. This past

year we were not very fortunate because they also had budget problems.

But with that we are able to at least construct the framework of the training facilities, and we just need to have it completed, and then we are also asking, again, for increase in the staff for the operation, which is a trust responsibility of the Federal Government, and we have been working very closely with our local BIA agency to implement the program as it is needed.

And the last request that I was going to make, that has been fulfilled and it is in process, and that is also to put in a building, replace the building that real estate and natural resources have been using for over 30 years, and it previously was used by the Bureau of Indian Affairs when they were running the programs. But now we are having a building being brought in and be set up, and we will have that implemented and run a full service as we would like to see it done. We have had some issues and problems because of the current building. It cannot accommodate wireless services and all that, but now we are able to do that and be able to put in the service so that we can have closer ties with the central and our title plant in Albuquerque.

So that has worked out, and I would like to thank Congress for helping us over the years. There has been many positive exchange that has happened, and starting back in the '70s, and I remember coming before the committee at the time and been doing that for a number of years, and I have seen many positive results that has truly benefited our people out there.

So with that I thank you.

[The statement of Martha Garcia follows:]

**Testimony of Rodger Martinez, President
Ramah Navajo Chapter-Ramah Band of Navajos
Given by Martha Garcia**

CONGRESSIONAL TESTIMONY

Submitted to the US Congress:

**HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL
AND RELATED AGENCIES
FY 2011 FEDERAL BUDGET REQUEST FOR:
BUREAU OF INDIAN AFFAIRS (BIA)**

May 3, 2011

Mr. Chairman and Members of the Subcommittee:

My name is Rodger Martinez, President of the Ramah Band of Navajos; Martha Garcia will be presenting on my behalf due to my prior commitment that conflicted with the reschedule hearing date. We are pleased to present this testimony on the Department of the Interior-Bureau of the Indian Affairs FY 2012 Budget. Our testimony today focuses on the need for additional appropriation of \$2,670,061.00 for FY 2012 to address the unmet needs of the Ramah Navajo Community as follow:

- 1) **REQUEST: BIA-OJS Funding for the Operation and Maintenance of the Detention Facility. \$1,815,610.00 .**
 - a) FY-2012 funding to increase detention staff and Start Up costs based on projected needs of Ramah Navajo Chapter's operation and maintenance of a new Detentions Facility.
 - b) That it be made part of the recurring funds under the Ramah Navajo Chapter's Correction Department annual funding agreement (AFA) with the Bureau of Indian Affairs.
- 2) **REQUEST: BIA Funding for Natural Resource Training Facilities. \$600,000.00**
 - a) Funding to complete the Agricultural complex in the amount of \$400,000; and
 - b) Increase staffing and operation in the amount of \$200,000 and to become part of recurring fund with the Bureau of Indian Affairs.
- 3) **REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs: \$255,000.00,
*This request is in process and if all goes well it will be in place by July, 2011.***

- a) Four (4) Fire Proof Filing Cabinets: \$5,000.00; and
- b) Real Estate Services Building: 4-5 office space, meeting & filing room: \$250,00.00

Introduction:

The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. The community consists of approximately 18 X 30 miles of "checker board" land status that includes trust land, state land and private fee land. The Ramah Navajo community is surrounded with approximately 1200 non-Indian residents throughout the community. The Ramah Navajo Chapter is one of the 110 chapters that make up the larger Navajo Nation. Due to its geographical location, in 1984 the Ramah Navajo Chapter with the authorization of the Navajo Nation successfully contracted and operates a number of programs under P.L. 93-638 Indian Self Determination and Education Assistance Act including; Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. The Ramah Band of Navajos has been successfully contracting these and other educational and health programs for over 30 years in which time a government to government relationship has evolved and is recognized by the Federal government as such.

1. Detention Facility:

History: The current detention facility was constructed in 1975 with State of New Mexico LEA funds, as a temporary holding facility. It is a tribally owned building so no operations and maintenance dollars are received from the Bureau of Indian Affairs. The facility is comprised of approximately 2,384 sq. feet, which includes male and female cell, dispatch room, kitchen, booking room and three administrative offices. Due to a Consent Decree issued against the Navajo Nation jail facilities, inmates from our community are no longer being accepted by the Navajo Nation detention facilities, which forced us to house long term inmates only on short term basis. The current detention facility does not meet the BIA Standards for Adult Detention facility, but we have no choice but to continue to utilize the holding facility, which was design to holds four (4) male inmates and two (2) female inmates. Due to no other choice, it's been holding over that limit endangering inmates and staff. There are no secured cells for segregations, detoxification, visitation or recreation.

Current: Over the years, the Ramah Navajo Chapter has submitted proposal requesting for construction funds to build a detention facility that will meet the needs of the community. We submitted the TARP Recovery Act Correctional Facilities proposal to the Department of Justice and were awarded a grant of \$3.8 million on September 21, 2009. A new detention facility will be built by 2012. We are working to staff the detention facility with certified corrections personnel as required by law. The FY 2012 Appropriations Request for Indian Affairs, Public Safety and Justice under Detention/Corrections has proposed 10.4 Million to address staffing shortages at detention facilities which includes tribally funded P.L. 93-638 positions.

FUNDING REQUEST FOR BIA Funding for the operation and maintenance the Detention facility in the amount of \$1,815,610.00 which will cover the following:

- a) **Increase detention staff based on projected staffing, operation and maintenance needs of new Detention Facility:**

- Fifteen (15 FTE) Corrections officer,
- 1.7 cooks, One
- (1 FTE) full time Detention Director Position
- (1) Assistant Administrator,
- (3) Sergeants and
- (1) Custodian
- Training, equipments, supplies, Uniforms, Insurance, Annual Operation O&M.
- Food for inmates.

c) Start up cost including Furniture FF&E and Transition Cost.

d) That it be made part of the recurring funds under the Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs.

2. Funding for Natural Resource Training Facilities.

The Ramah Navajo Chapter has initiated a plan to establish a Ramah Navajo Chapter Agriculture Center within the Ramah Navajo community. There are over 3000 Ramah Navajos, and another 2000 Navajo and other tribes and up to 1000 non-natives that will benefit from this project. The purpose of the facility is to centralize education through trainings and workshops by bringing together various instructional resources on livestock and agriculture. The Ramah Navajo Chapter will re-assess production goals factoring in cultural and economic values and opportunities, develop quality and uniformity in livestock, re-assess our land uses and develop plans to accommodate our future plans. Intangibly, this facility will add value to livestock and agriculture production. This emphasizes the fact that raising livestock and living off the land are just as important to the Ramah Navajo people today, and in the future, just as it was in the past.

The Navajo traditional lifestyle has always promoted "Green"; incorporating its agriculture and livestock best practice measures that will protect and conserve "Mother Earth." With better education through training and workshops, the community members will benefit by relearning to live a healthy lifestyle through raising and producing a majority of their own food and meat for their families and others. The staff will be able to incorporate a better tracking system for all the groups they work with, including the 4H Club, the Pine Hill Schools FFA, the Healthy Gardening Program and the elders who have worked alongside youth in teaching traditional practices.

We received \$150,000 from the State of New Mexico towards this project. The FY 2012 Appropriations Request for Indian Affairs, Trust-Natural Resources; Management *Rights Protection Implementation* – \$1 million increase is requested, for total funding of \$29.6 million to increase support to Indian organizations and programs in developing conservation management plans and codes. We request support for the requested increases.

Ramah Navajo Chapter funding request is in two folds totaling \$600,000.00.

a) A onetime request to complete the Natural Resource Training facilities in the amount of \$400,000.

- b) **Recurring funding to increase staffing and operation for the Natural Resource Program in the amount of \$200,000.**

3. **Real Estate Unmet Infrastructure Needs:**

The Ramah Navajo Chapter, Office of Grants and Contracts and Real Estate Services Program worked to meet the demands and mandates of the Trust Management Reform initiative within the Bureau of Indian Affairs and Office of Special Trust. The request includes additional funding for a new building that shall be secured to prevent fire and theft of new and original trust records. We are sharing this building with another program and we are very overcrowded leaving no room for confidential meetings, no filing or meeting room. Our current building is rodent infested, due to shifting and cracking foundation which also allows reptiles to crawl into the walls of the building. This request has been presented numerous times to the BIA to assist with funding to cover the much needed infrastructure and equipment. *Note: The Ramah Navajo Agency is moving forward to address the need for the Real Estate Building. A portable Classroom type building will be relocated to Ramah Navajo Chapter site by mid July, 2011.*

Funding Request for Real Estate Unmet Infrastructure needs in the amount of \$255,000:

- a) **Four (4) Fire Proof Filing Cabinets: \$5,000.00**
 b) **Real Estate Services Building; 4-5 office space, meeting room & filing room: \$250,00.00**

In closing, the Ramah Navajo Chapter has been very successful in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos. We value the funds that are appropriated by Congress that has made a difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:

Rodger Martinez, President
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Mr. COLE. Thank you for your testimony.

Ms. MARTINE-ALONZO. I love those squash blossoms. They are gorgeous.

TUESDAY, MAY 3, 2011.

RAMAH NAVAJO SCHOOL BOARD

WITNESS

NANCY MARTINE-ALONZO

Ms. MARTINE-ALONZO. Thank you very much. Mr. Chair, Mr. Simpson, and members of the subcommittee, my name is Nancy Martine-Alonzo. I am President of the Ramah Navajo School Board, and we have been in operation for 41 years, and we started out almost with direct Congressional funding, so I thank you on behalf of our community for all the years that we have been able to benefit from that. We have graduated over 800 students, and many of our students have gone on to become very successful doctors, lawyers, CPAs, and all walks of life, and it is truly a blessing to see that.

We are here to speak on several priorities that we have, but the number one need that we have is our ARRA Funding was appropriated to repair and maintain one of the elementary buildings, and in the process of that project we uncovered structural damage from water, damage from black mold, and also termites in the building. And so the building needs to be replaced now.

However, you have heard other testimonies that talked about the lack of construction dollars, and so we are here to request that you consider approving and putting construction dollars back in the funding, and we need about \$5.6 million for that elementary school. Right now our children are displaced. They are using some of the middle school and high school for classroom spaces, and so we are in very tight quarters, and we operated that way for a year, and we really would like to be able to put our children back in appropriate classroom settings.

The second funding need that we have is for water and sewer. Our facilities are over 35 years old and over the years we have expanded our facilities, and so there is more consumers on the water and the sewer system and just due to the aging material, you know, we need to replace and update all of the infrastructure that is there, and so our request is for \$2.5 million to take care of that.

And then in addition to that we also are requesting \$3.5 million for our elderly community center. We know that we have a large population of elderly who need more care now in their later years, and many of them do not wish to be sent to nursing homes outside the communities. And so one of the solutions is to have a community center where we can provide more or less part-time daycare for some of our elders where they can receive kind of a one-stop service for their health and for other needs. And so that is something that is a priority as well.

In addition to that, we are just asking for continued support and funding for the ISEP dollars, the money that is dedicated for the core education programs and the 638 contract schools, and we also

are in need of the indirect costs because we do need funds to be able to operate our schools and operate our clinics and all of the 638 projects that we have we have not received, you know, the full 100 percent funding for that. We have received about 50 or 60 percent every year, and we would like to see that move up to a higher number. Of course, eventually 100 percent because that was the law, but we have not realized that for a long, long time.

We are also asking for funding for the tribal schools. We have a lot of young people that do not belong to colleges, but they do go to our tribal colleges for vocational or for two-year programs, and that is a real critical need. So any funding that you can provide in the area to continue the support of our young people so that they can, in turn, become productive citizens of our tribal reservations as well as the global society, we would really appreciate that.

And so we thank you for all of these, and we provided written testimony. We have also provided additional documents explaining all of the areas in detail. So thank you very much.

[The statement of Nancy Martine-Alonzo follows:]

**Nancy K. Martine-Alonzo, President
Board of Trustees, Ramah Navajo School Board, Inc.
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico**

CONGRESSIONAL TESTIMONY

**Submitted to the United States Congress:
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**FY 2012 Federal Budget Request for:
BUREAU OF INDIAN AFFAIRS (BIA) / BUREAU OF INDIAN EDUCATION (BIE) &
INDIAN HEALTH SERVICE (IHS)**

MAY 3, 2011

Mr. Chairman and Members of the Subcommittee:

Request Summary: On behalf of the Board of Trustees of the Ramah Navajo School Board, Inc., we are requesting funding to address the education needs of American Indians and Alaska Natives on the national level, and also the more specific education and health needs of the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. Specifically, we are requesting Congress to: (1) Direct the Bureau of Indian Education (BIE) to reopen the Replacement School Construction Priority process to solicit new applications, or – in the alternative – appropriate \$5.6 million for replacement of Ramah Navajo Elementary School building. (2) For the Indian Health Services (IHS), \$3.45 million for a Ramah Navajo Elder Community Center. (3) For IHS, \$2.55 million for the Ramah Navajo School's water well and sewer system. (4) For BIE, continue the funding to support American Indian tribal colleges. (5) For the BIE, funding for "Tribal Grant Support Costs" in the amount of \$72.3 million to meet the indirect cost needs of all tribally-controlled schools. (6) For BIE, funding for the Indian School Equalization Formula (ISEF), the core academic budget, in the amount of \$431 million.

Background. The Ramah Navajo School Board, Inc., established in 1970, governs the K-12 Pine Hill School (a federally funded BIA/BIE school), the Pine Hill Health Center and over 30 other school and community programs on the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. We have the distinction of operating the first Indian-controlled health clinic and the first Indian-controlled high school in the country. The Ramah Navajo School Board serves the 4,000-plus members of the Ramah Band of Navajo Indians, and on their behalf, I want to thank you for the commitment and support you have provided to our community over the past 40 years. The Ramah Navajo people are well aware of the current fiscal climate in our country and the many difficult decisions that must be made to restore economic prosperity for all Americans. That being said, the Federal Government, through the BIE and IHS, has an historic and long-standing trust responsibility to the health and well-being of American Indian communities such as Ramah Navajo, who, long before the current economic downturn, struggled to provide to their members basic services, such as education and health care. The BIE school system, for example, has long been underfunded, and the FY12 proposed budget falls far short of remedying this state of affairs. Given the importance of education to the future viability of our community, we hope that the Congress will recognize and address the very real funding needs of

our tribally-operated school. Ramah Navajo, one of the most remote communities in the country, faces unique challenges and must receive continued funding to operate its facilities and provide essential community-based programs. With all these factors in mind, we unequivocally support the FY12 budget requests prepared by the National Congress of American Indians (NCAI) for BIE-funded school programs, and in particular, the request for realistic funding for Tribal Grant Support Costs and the ISEF program. Ramah Navajo also has three community requests for which it seeks your support.

Request No. 1. Direct BIE to Reopen the "Replacement School Priority List" and/or Appropriate \$5.6 Million Needed to Replace the Ramah Navajo Elementary School Building. The Federal government, through the BIE, is responsible for facility operations and maintenance for all buildings on Ramah Navajo's K-12 Pine Hill School campus. The Elementary School (building #803), which opened in 1975, has served our community for the past 35 years. In August 2010, however, it was discovered that this building has sustained serious water damage, mold growth and insect infestation. The consulting engineers have recommended the replacement of all exterior walls, the roof, and interior finishes. In replacing the exterior walls, it would be also be necessary to remove and replace plumbing and electrical equipment. Given the extent of the major renovation needed to bring the building up to a safe and usable condition, it has been recommended that the building be demolished, and a new Elementary School building be constructed in its place. In the meantime, the Elementary School Building has been sealed closed due to the structural defects (e.g., the roof is on the verge of collapse in some locations), and also the high concentrations of mold in the building. As a result, our 300 Elementary School students are housed in other school buildings. In addition to the concerns about the physical plant, the current situation adversely impacts our entire education environment; raises concerns about overcrowding and student health and safety; and limits our ability to expand our student enrollment. We have an *emergency need* for a new Elementary School building, and the BIE has a process for evaluating school construction applications and ranking them on a priority list for funding. However, six years have passed since the BIE has added any new schools to the Replacement School Construction Priority List. And since Ramah Navajo does not have any other way to make its case for a replacement Elementary School building, we are left with an uninhabitable Elementary School building. The FY12 proposed budget includes *no funding* for replacement school or facility construction. This would inflict severe hardship on schools, such as Ramah Navajo, who now face a critical need for replacement facilities. **Therefore, we urge Congress to direct the BIE to reopen the competitive process by which Indian schools can submit applications to justify their requests for replacement school construction. Alternatively, and given the Administration's proposed freeze on "new construction," we urge Congress to direct BIE to identify funding from the Facilities Improvement & Repair account to immediately redress our critical building deficiencies so that our school can be fully utilized once more.**

Request No. 2. Appropriate \$3.45 Million for a Ramah Navajo Elder Community Center. There is a great need in the Ramah Navajo community for an Elder Community Center to be located near the Pine Hill Health Center on our school campus so elders can have a center dedicated to their needs. Our community is spread out over 625 square miles with only one paved road. Family hogans and houses are geographically remote, raising concerns about the well-being of our elders. Approximately 480 residents over 65 and another 905 between the ages of 50 and 64 are seen at the Pine Hill Health Center. Although some of our elders qualify for

part-time care takers through Medicaid to help with the functions of daily living, most of our elders do not, leaving them vulnerable to many unmet needs, such as accidental falls, taking care of personal finances, bathing, cooking and hot meals, and other elderly needs.

The Pine Hill Health Center has received an IHS Elder Initiative grant to conduct a comprehensive survey of our elder community covering everything from personal needs assessments, home safety and environmental assessments, thorough physical exams and a community evaluation and survey of elder needs. This study shows that the community is very much in need of an Elder Community Center that will address the needs of our elders, including, but not limited to, health care, nutrition, education, intergenerational social activities in conjunction with the school, and space to train local caregivers. As the median age of our population rises, as our IHS-funded survey confirms, this community will increasingly require a facility where services to this growing and vulnerable population can be provided. The Ramah School Board officials have met with the IHS Area office to discuss this need. We are beginning the process to get this project on the IHS priority list, but have been told that it is probably a 20-year waiting period. This is unacceptable to us and to our elders.

Request No. 3. Appropriate \$2.55 Million for the Pine Hill School Water Well & Sewer System. The Pine Hill School Water Well & Sewer System, constructed in the early 1970s, was originally intended to serve only the new Pine Hill School and housing units for the school staff. Over the past 37 years, the Board of Trustees has added numerous other buildings and facilities for school and community programs. The Water & Sewer System also serves non-Ramah facilities, such as the Pine Hill Market, and provides clean water to nearby community housing projects (70-plus units). We seek funding for a new water and sewer system through the IHS Sanitation Facilities program. The funds requested are essential for the health and safety of our students, teachers, and housing residents. At this time, our west sewer lagoon does not comply with applicable U.S. Environmental Protection Agency laws and regulations, so we urgently need to bring the lagoon into compliance. The funds sought for this Project will also be used for the design and construction of a new 8-to-10-inch sewer line main from the school campus to the sewer lagoon, and for the upgrade of the well, which is the principal source of water for our school campus.

Request No. 4. Continue funding to support American Indian tribal colleges throughout the country. Since the threatened cuts to the BIE budget to support American Indian tribal colleges throughout the country will end the hopes of thousands of American Indians for a college education and skilled, living wage jobs, especially for their own tribes, we urge Congress to continue the critical funding for these colleges at least at the same level as it did in the budget for the last fiscal year.

Request No. 5. Increase Tribal Grant Support Costs (TGSC) for Tribally-Operated Schools to \$72.3 Million. TGSC, formerly known as administrative cost grants, cover those indirect/administrative costs incurred by tribes that have elected to take over operation of BIE-funded schools on their reservations. This funding covers such expenses as payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements. Almost all these costs are legally mandated and/or conditions for the receipt of program funding. Yet, appropriations for TGSC have consistently lagged behind the needs of tribally-controlled schools. In FY10, for example, the amount appropriated by Congress funded only 62% of the

administrative costs incurred by schools. For FY12, the proposed budget requests a \$3 million increase over the FY10 enacted levels, which the BIE estimates would meet 65% of need. Given the ever rising costs of fiscal management, insurance and other "contract support" expenses, and the possibility that three additional schools may be converting to tribally-controlled status in FY12, it is altogether likely that this additional \$3 million will not be sufficient to raise the cost rate above the current 62% of need. For 19 of the last 20 years, our Pine Hill School, as well as all other tribally-operated schools, has not received its full TGSC amount. On the other hand, significant efforts have been made in the budget to address contract support costs for BIA and IHS non-school contractors. For example, the proposed budget requests an increase of \$25.5 million to fund CSC for non-school contractors (with an additional \$2 million to pay for the costs of new contractors). For IHS, the Administration seeks a \$50 million increase. In FY10, BIA and IHS non-school contractors also received significant increases, while tribally-operated schools received *no* increases since FY04. While we are grateful that Congress have recognized the need to address the shortfalls in funding for our non-school programs, these efforts do not remedy the very real impacts associated with inadequate funding of our School's TGSC, and we request that the comparable needs of our schools be recognized and fully funded. NCAI has calculated that \$70.3 million is needed to fully fund TGSC for current grant schools with an additional \$2 million for schools newly converting to tribally-controlled status. We fully endorse this request.

Request No.6. Fund the Indian School Equalization Formula (ISEF) Account at \$431 Million In Order to Fulfill the Federal Government's Obligation to Indian Children in the BIE School System. These funds support Indian education programs, which is, of course, the core function of our schools. Without an increase to ISEF, our own school will not be able to continue to recruit and retain the high quality personnel needed for our education program to succeed. Key support services also require subsidies. For example, our food service budget, transportation, and facilities and maintenance funding falls far short of the amounts realistically needed, and these shortages must be supplemented by our ISEF funds. We must also provide school security, a school nursing staff, and after-school programs. All of these costs should be the responsibility of the BIE, but its budget for ISEF chronically fails to supply the level of support needed and does not take into account the enhanced costs of operating a small school such as ours in a sparsely-populated reservation community. Over the past seven years, the ISEF budget has increased by only 13%, less than 2% per year. The proposed FY12 budget requests \$392.3 million. This translates into a "weighted student unit" amount of \$5,320.62, an increase of less than \$9 over the FY10 enacted amount. Instead, we urge that the ISEF appropriation be set at \$431 million as recommended by NCAI, the amount realistically required to begin to rectify the historic underfunding of the BIE school system. Our children deserve as much.

The Board of Trustees for the Ramah Navajo School Board, Inc., appreciates your support. We hope that this information will help Congress, especially new members, better understand the needs of and unique challenges faced by American Indian and Alaska Native communities generally, and the Ramah Navajo Reservation community, in particular. Thank you for this opportunity to present our testimony.

Respectfully Submitted, Nancy R. Martine-Alonzo, President
Board of Trustees, Ramah Navajo School Board, Inc., P.O. Box 10, Pine Hill, NM 87357
505-775-3256, E-mail: oran@rnsb.k12.nm.us

Mr. COLE. Thank you for your testimony. I actually have no questions.

Mr. Moran.

Mr. MORAN. No. I am fine. Thank you.

Mr. SIMPSON. Just out of curiosity, the committee appropriates money in general categories for, say, school construction. Any idea where the elementary school you are talking about that you need \$5.4 million I think you said for, where that would fall?

I assume the BIA has a priority list for school construction.

Ms. MARTINE-ALONZO. Yes.

Mr. SIMPSON. Any idea where that falls within that priority list and what it would take to get to that level?

Ms. MARTINE-ALONZO. Our elementary school is pretty high on the repair and maintenance. That is why we were able to get the ARRA dollars, but at the time it was not determined for a replacement. And so it was not on the list anywhere up at least the top, and you have been funding, I think you have ten more that you have slated to fund, and that is still in progress. I think four of them are still in the pipeline.

But you had committee work that has been going on now for about maybe 18 months where there is a committee that is working on criteria for reassessing the schools and putting them in another priority listing, and more than likely our school would not rise to that because we probably do not fit in any of that category because these conditions were discovered through the error, through the repair and maintenance process. And so it is not anywhere neatly on a list anywhere.

So the only way that it could get done is if you were able to ask the BIA and asking them to focus on that school, what the status is, and what did they need, because when we talked to BIA on it, we have been working with them because that is what ARRA funds require us to do is to work closely with them. We have a year's time to finish all the projects. We are slated to finish by May 31, and we are pretty much on schedule to do that.

And so in doing that the BIA has said we do not have any new construction dollars immediately in this budget or in the next budget, and we do not have any other ARRA funds that are coming back as surplus anywhere. So we just really do not have any answers for you, and the jury is still out on whether or not we will get our building repaired right away, I mean, replaced right away.

And that is why our only option is to come to this committee to see if you could help us with that. Thank you.

Mr. SIMPSON. I appreciate that. It is true not only with school construction but with detention facilities and other justice facilities that we put things in a category when we appropriate money, and sometimes there are needs out there that if you are not on that priority list or in a certain place, even if we increased money for that fund, it might not get down to you.

Ms. MARTINE-ALONZO. Yes.

Mr. SIMPSON. So I appreciate your testimony. Thank you.

Ms. MARTINE-ALONZO. Thank you.

Mr. COLE. There must be other cases like this where ARRA funding—

Mr. SIMPSON. I suspect they are all over.

Mr. COLE [continuing]. Found places that we thought we could repair and then learned later that we could not. That would be something worth checking into from an administration standpoint, if they are running into this problem elsewhere because I would suspect your situation is not totally unique.

Ms. MARTINE-ALONZO. I am sure.

Mr. SIMPSON. Well, and the other thing we found, Mr. Chairman, is that as you well know, some of the ARRA funding did construction for some things, it does not do any good to do construction if you do not have the resources to actually put the personnel in the justice center or in the health clinic or whatever you have built out there, and that is some of the challenges we are facing.

Mr. CALVERT. Just one comment, Mr. Chairman. Excuse me. Go ahead, Mr. Moran.

Mr. COLE. Well, Mr. Moran has already had his time, but Ms. McCollum just arrived and has not had an opportunity, so I wanted to go to her next.

Ms. MCCOLLUM. Well, thank you, and I just got back from the State Department where we were talking about maternal child health internationally and I said there are some things we can do for women right here in this country, and I fully engaged members of the panel to talk about what we can do for maternal child health.

But you are here on school construction right now, and I do have a question. I know that there has been a survey that has taken place on some of the Navajo reservation land with the uranium dust, and is the school in that belt or that zone where there has been some observation and reexamination of radiation contaminant from the mining?

Ms. MARTINE-ALONZO. The Ramah Navajo reservation land is 60 miles from grants from the area where the uranium mining has taken place.

Ms. MCCOLLUM. Okay. So Mr. Chair, I was just wondering if that was also on impact, that this school was looking at. I was being creative in other ways that we might approach other people for help.

Thank you.

Mr. COLE. Thank you. Mr. Calvert.

Mr. CALVERT. Just a comment. You know, property manager, sometimes when you do not spend the money on repair and maintenance over the years and you build up this maintenance criteria to the point where you cannot fix it anymore, I suspect that this is going on throughout the BIA management community.

Ms. MARTINE-ALONZO. In many cases, yes. Uh-huh.

Mr. CALVERT. And there are probably a lot of facilities could have been enjoyed for a further period of time if, in fact, they had gone ahead and upheld their obligation to do the repairs and the maintenance in a timely fashion. So we end up spending a lot more money because we do not do the maintenance and the operations in the first place.

And since the gentlelady brought up uranium, I was just curious, do the Navajo Nation enjoy a particular royalty from that mining? Are there any benefits from that at all that you get? Is that on Navajo property?

Ms. MARTINE-ALONZO. I would defer that question to President Shelly if he is still in the house.

Ms. MCCOLLUM. Mr. Chair, for the most part I would say a big no. They have had water pollution, they have had housing issues with dust moving forward, and might be something that the Chairman and Mr. Cole, at some point we can get an update.

We worked with the Bush Administration in government reform to get everybody in the room talking to each other, because everybody was pointing the agency finger about who was responsible for the cleanup, and that is why I was wondering if the school was impacted, but I would say for the most part it is a big not positive for the Navajo reservation, but they should speak for themselves.

Mr. CALVERT. Thank you, Mr. Chairman.

Mr. COLE. Mr. Flake.

Mr. FLAKE. No questions.

Mr. COLE. Thank you, ladies, for your testimony. Appreciate it very much.

Ms. MARTINE-ALONZO. Thank you very much.

Mr. COLE. Mr. Honyaoma, Todd, Vice President of the Native American Grant School Association. Good to see you.

Mr. HONYAOMA. How are you?

Mr. COLE. Very good.

TUESDAY, MAY 3, 2011.

NATIVE AMERICAN GRANT SCHOOL ASSOCIATION

WITNESS

TODD HONYAOMA

Mr. HONYAOMA. Good morning, Honorable Chairman Simpson and Chairman Cole, and honorable members of the committee.

My name is Todd Honyaoma. I am a Hopi Tribal member, member of the Spider Clan as you can see. I am President of Hotevilla-Bacavi Community School located on the Hopi Indian Reservation east of Flagstaff, and I am the former Vice Chairman of the Hopi Tribe also. And I have here with me my big man, my body guard, Jeff Mike from Navajo Nation, Pinon Community School.

I serve as the Executive Board of Vice President for Native American Grant School Association. We consist of 17 school members throughout the southwest, including Navajo Nation in Arizona, New Mexico, Hopi Nation, White Mountain Apache, and also the Gila River Pima tribes would consist of those schools, grant schools.

I am here today to present NAGSA's statement to draw Congressional attention to the impacts of declining under-funding of BIA-funded schools, especially our grossly-under-funded travel grant support costs.

In the fiscal year 2012 proposed budget on travel-operated schools the United States Government has a binding treaty, trust responsibility, and a legal obligation to educate all Native American children forever. The right to attend good schools should be the birthright of every child in America. The government recog-

nizes that it would provide the highest quality education and basic necessities to Indian tribes forever.

We are expressing our concern about the current budgeting crisis affecting all federal agencies and particularly to address the impact of potential budgeting shortfalls on BIA-funded schools such as our member schools.

Travel grant support costs. We were promised 100 percent funding, formerly known as the Administrative Cost Grant, to cover the operation or indirect costs for the operation of our schools. This funding is applied to the cost of schools for administrators, business management, human resources department, payroll, accounting, insurance, background checks, other legal reporting, record-keeping requirements, including annual audits.

We receive only 61 percent of our administrative costs. Some other tribal contractors such as Indian Health Service, IHS, receive a higher percentage. Now, why are we different?

We want full funding. If you were to fund us tomorrow, we would ask for 72 million. Transportation, dirt roads, as you may know, Hopi, Navajo, we operate our busses on nothing but dirt roads. The majority of our roads are dirt roads, and when it gets muddy, it gets muddy, a foot deep. We bus our students long distances, 20, 30 miles on dirt roads. Let us set up after-school activity bus runs, and with high fuel costs today in Hopi we have our average \$4.15 a gallon at this point. Diesel is a whole lot different story for buses. If we were to be funded tomorrow, we would ask for 61 million in that area.

New school replacements. Our school is over 60 plus years old. When you sit in there, there is cracks in the walls. You can sit in there, and you can see right outside the wall on the other side. I usually jokingly say if there is a social dance, you can kick back in the school and watch them dance on the other side. That is how big the cracks are.

Asbestos is another issue. We had a lot of patchwork done to our school. We could go down the hallway, there is asbestos in there, but sheetrock is covering it right at this point, and that is very dangerous for our students.

New school construction was zeroed out. We would like this to be restored. NCAI, National Congress of American Indians, in its budget fiscal year 2012 budget request estimated that it would take 2.4 million just to keep pace with the growing need for facility construction and repairs, but we are only asking that you restore 61 million at this time.

In closing, you promised us that you would be solely responsible for funding Native American schools at their highest quality. You are not coming close to keeping that promise. This promise has been broken. We are not asking for Welfare entitlement or any such thing. We are asking the Federal Government to honor their past due, and this is past due treaties, agreement, declarations, Presidential declarations that we have done.

And with that I want to bless you all. May the Creator bless everybody, all of us here today.

[The statement of Todd Honyaoma follows:]

**Testimony of Todd D. Honyaoma, Sr., Vice President,
NATIVE AMERICAN GRANT SCHOOL ASSOCIATION (NAGSA)
Flagstaff, Arizona
Regarding
The Impacts Of The Proposed FY 2012 Budget And Chronic Underfunding Of Tribal
Support Costs And School Facilities On Native American/BIE Funded Schools
May 3 and 4, 2011**

Mr. Chairman and Members of the Subcommittee:

My name is Todd D. Honyaoma, Sr. and I serve as the Vice President for the Native American Grant School Association, also known as NAGSA. NAGSA is a non-profit organization comprised of Native American Grant Schools that have come together to act collaboratively on Native American school issues. NAGSA currently has approximately fifteen school members throughout the southwest. NAGSA, through its duly elected representatives, presents this statement to draw Congressional attention to the impacts of the chronic underfunding of BIE funded schools and the FY 2012 proposed budget on tribally-operated schools.

The United States Government has a binding Treaty and Trust responsibility and obligation to educate all Native American children – forever. As former Senator Daschle noted in the Congressional Record:

“The right to attend a good school should be the birthright of every child in America. But Native American children have a special claim on this right. **Our Government has given its word**, in treaties and laws, to provide education, . . . and other basic necessities to Indian tribes and their members **forever**.”

“Education and other Federal programs serving Native Americans are not handouts; they are treaty obligations. They are installment payments the United States Government owes for land the tribes surrendered reluctantly more than a century ago. **America has never even come close to meeting those obligations.**” (emphasis added)

These obligations and responsibilities were recently reaffirmed in the No Child Left Behind Act as follows:

“Congress declares that the Federal Government has the **sole responsibility for the operation and financial support** of the Bureau of Indian Affairs funded school system . . . ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the **highest quality** and provide for the basic elementary and secondary educational needs of Indian children . . .” 25 U.S.C.A. § 2501

The proposed FY 12 budget and history of chronically underfunding BIE funded schools belies these lofty legislative pronouncements.

NAGSA is comprised of tribally controlled grant schools. The tribally controlled grant schools are primarily funded through appropriations received from the United States Department of the Interior's Bureau of Indian Education, and pass-through funding from the Department of Education. Native American school boards operate our member schools through a Grant under the Tribally Controlled Schools Grant Act. Our collective mission is to make a difference in the educational progress of our students and we believe that all our students are capable of achieving academic success.

We are expressing our concerns about the current budgetary crisis affecting all federal agencies, but in particular, to address the impact of potential budgetary shortfalls on BIE-funded schools, like our member schools. Currently the Federal Government is operating under a Continuing Resolution which holds spending at Fiscal Year (FY) 2010 levels; and there has yet to be any action on the FY11 budget. Late last year, the Administration called for a 5% across the board budget decrease for FY 2012. Just recently, in the State of the Union address, the President called for a freeze on "discretionary spending" for the next five years, and the House Leadership has proposed rolling spending back to FY08 levels.

Spending for Indian education programs, quite illogically, is considered "discretionary" and thus, is highly vulnerable to the type of budget reductions that are currently under consideration. Providing and improving the quality of, educational opportunities for all children, is and must be a bi-partisan priority. It is not only counterproductive but a breach of government's responsibility to further burden the historically underfunded Indian education program with more and more draconian budget cuts. Ironically, while funding at current levels is inadequate to meet school needs, the Federal Government nonetheless imposes more and more requirements and compliance mandates on BIE-funded schools without providing the resources to perform them.

For these reasons, we request that you support efforts to hold funding for Indian education programs harmless from the potentially catastrophic budget cut backs that are currently being discussed and reverse the shameful history of underfunding Native American grant schools. We are particularly concerned about two areas of funding to which tribally operated schools are entitled. We appreciate the proposed \$3 million dollar increase in Tribal Grant Support Costs; however, it is woefully inadequate to correct the history of gross underfunding and will be consumed by the addition of the Jones Academy and other schools which will also draw from these funds. We are extremely distressed that the meager school Facilities Operations and Maintenance (O&M) funds we are currently receiving is proposed to be decreased by transferring those funds. This will cripple our school facilities upkeep and compromise the safety of our students. The majority of our school facilities are outdated and antiquated and require current budget amounts and much more to keep them safe, clean and barely adequate. With the ever increasing utilities cost, a huge portion of our current O&M funds is absorbed by the utilities expense leaving a small budget for other facility needs. Furthermore, the addition of the Jones Academy will take away the scarce facilities funds because we do not foresee additional funds being added for this new school.

We urge Congress to direct the Bureau to reopen the competitive process by which schools can submit applications for replacement school construction, as nearly six years have passed since the Bureau has solicited new applications.

Tribal Grant Support Costs

"Tribal Grant Support Costs" or "TGSC", formerly known as Administrative Costs Grants, are funds provided to tribally-operated Schools by the Federal Government to cover the administrative or indirect costs associated with the operation of a School. This funding is applied to the costs of payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. TGSC are appropriated in a lump sum and then are awarded to individual schools after application of a complex statutory formula that divides the available funding among eligible recipients. Currently, 124 of the 183 BIE funded schools are operated by tribes or tribal school boards. In FY10, the funding available for TGSC met only 62% of the need of the schools, the lowest rate to date. Given the proposed addition of the Jones Academy and possibly other schools, even with the proposed increase, TGSC funding will continue to be less than 65% of need. Schools cannot reasonably operate on this level of funding. The BIE has been provided substantial budget increases in previous years for their management needs while our same legitimate needs have been ignored.

Insufficient Tribal Grant Support Costs means that schools constantly have to absorb more and more administrative expenses and cut back on prudent management activities. Schools have had to reduce their management staff to the point that their ability to maintain prudent internal controls and checks and balances is compromised.

Full funding of the BIE's Tribal Grant Support Costs obligation would require \$70.2 million for current tribally-operated schools. An additional \$2 million is required to address the needs of those schools who intend to convert to grant status in FY10, in order to avoid the siphoning of funds from existing schools. For these reasons, we endorse NCA's budget request of \$72.3 million for Tribal Grant Support Costs.

Replacement School Construction

Many of our school buildings are more than 50 years old and the meager amount of funding we have received over the years for facility operation, maintenance and repair has been insufficient to allow us to address the serious deficiencies that come with aging electrical, heating, cooling and plumbing systems. Many of the schools' electrical systems, for example, in many cases cannot support their technology needs. Schools are constantly dealing with such problems as leaking sewer lines, deficient if not dangerous gas lines, outdated and malfunctioning alarms, inadequate sprinkler systems, mold and other types of structural problems. The proposed freeze on "new construction" exacerbates this critical problem and indefinitely postpones any action to provide habitable schools to our Native American students. Many of our schools are beyond repair and the refusal to appropriate money for new construction is a de facto closure of these schools.

While the Bureau has a process for evaluating school construction projects and placing them on a priority list for funding, no new applications for replacement school construction have been added to the list since 2004, and our NAGSA member schools have not had the opportunity to even make a case for their needs for replacement schools. For these reasons, we urge Congress to direct the Bureau to reopen the process by which BIE-funded schools can submit applications for replacement school construction that can then be prioritized for when construction funding becomes available. Further, we ask that these dire, long ignored needs be funded, immediately.

Conclusion

As noted by the United States Commission on Civil Rights:

“As a group, Native American students are not afforded educational opportunities equal to other American students. They routinely face deteriorating school facilities, underpaid teachers, weak curricula, discriminatory treatment, outdated learning tools, and cultural isolation. As a result, achievement gaps persist with Native American students scoring lower than any other racial/ethnic group in basic levels of reading, math, history. Native American students are more likely to drop out.”

“The Federal Government has sole responsibility for providing education to these students. . . an obligation it is failing to meet.”

A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country, p. xi, The United States Commission on Civil Rights (2003)

Lawmakers on both sides of the aisle have endorsed the education of our children as one of our highest national priorities, through the provision of better teachers, better instructional materials, appropriate facilities, and more innovative opportunities. Good education costs money, and it is our hope and expectation that Congress will recognize the tremendous needs that exist in our BIE-funded schools, the potentially disastrous impact of budget reductions, and join us in supporting a quality educational program for all our students.

We ask for your support as the Department of the Interior's appropriations bills are developed, debated, and brought to a vote. Please communicate these concerns to your colleagues on the House and Senate Appropriations Committees. We are grateful for any assistance you can provide.

We wish to thank you for your consideration. If you need further information, you may contact us by phone at 928-226-0000 or you can reach me via email at debra@h2m2law.com.

Mr. HONYAOMA. I am going to put the floor over, give him the floor. Do you have anything to say?

Mr. MIKE. Well, I just wanted to say good morning to Chairman Cole, Chairman Simpson, and the members of the subcommittee here, and I just wanted to go ahead and follow up on Mr. Honyaoma here based on his testimony here that we do rely on the Federal Government quite a bit for our educational needs, but that is only because it states that in the NCLB, No Child Left Behind.

And it also is a trust responsibility that the Federal Government has up this point, and we are trying to have the Federal Government live up to their responsibility of educating our young ones, our Native American children so that we may be able to have the same quality education as everybody else in the United States of America.

So I just wanted to follow with Mr. Honyaoma that way. Thank you.

Mr. COLE. Well, thank you both for your testimony. I do have a question. It just might be helpful for the committee. I would be very interested on what your funding per student is versus the average in Arizona. What would be the differential for a child going to a BIE school and one that you operated versus, you know—

Mr. HONYAOMA. Currently right now we are sort of like fluctuating back and forth because of the rolling average.

Mr. COLE. Uh-huh.

Mr. HONYAOMA. They are considering per capita versus ADM, average daily membership count that we used to have. BIA is still trying to figure out what they want to do, and they are the one that does the figures to the tribes. And we are doing ours, but we still think that BIA should be the one to come up with a policy of some sort. Okay. This is what we are going to go under, but they are throwing things at us, and we are saying that, no, it is no use. It is good that we have the opportunity, but when it comes to the Bureau, I do not know where it goes. I am pretty sure it never gets here, which I hate to say.

But I sat on a transportation committee for the Hopi Tribe, and we understand some green book does all the evaluations and all the reports. That never makes it to Congress. So my thoughts are after seeing that everything that we do on tribal nations through the Bureau never gets to the highest. Maybe that is the reason why we are getting real low funding.

Mr. COLE. Again, if you can help us on this with the staff, I would love just to see the difference on a roughly per-pupil basis what the funding that the children that are going to the schools you are talking about are getting and what, you know, in the broader community a statewide average would be. Just make it very striking what the difference is.

Mr. HONYAOMA. And we submitted a package. It should be in there. If not, we will follow right back up as soon as possible with those figures for your information.

Mr. COLE. Yes. Please do.

Mr. HONYAOMA. Yes. With the other states comparison.

Mr. COLE. Thank you. Ms. McCollum.

Ms. MCCOLLUM. That is a great question. It really is, and different states have different pockets of money the way that they cal-

culate it. I know in Minnesota we took transportation out of the per-pupil unit to account for it differently, and as states have cut their budgets, they have often cut their transportation budgets, but you cannot cut your transportation budget.

Mr. HONYAOMA. No, we cannot.

Ms. MCCOLLUM. You cannot start telling kids even though roads are dangerous to walk because it is too far. Could you maybe comment for a second on Head Start and your interactions with Head Start Programs, which is funded in a different pot of money than this committee has but maybe the impact of Head Start, lack of Head Start, waiting list to Head Start to give the children that you serve a boost when they start in the traditional grade schools?

Mr. HONYAOMA. Well, in the past I will put myself back in my former vice chairman role in the Hopi Tribe.

Ms. MCCOLLUM. That is why I figured I could ask you.

Mr. HONYAOMA. But what we did was Head Start is completely different from first grade on up to eighth grade. So they had their own pot of funding, and the director of the Head Start monitored all of those programs, but what money that we had available from the Hopi Tribe as a whole and that was not used for other things, like for example, transportation, teacher, we are very bad with buildings. Our Hopi Reservation consists of nothing but trailers for Head Start, and that was very back. They were falling apart. So we ended up having to foot their bills, and we tried asking the Bureau to supplement or replenish us back what we have tried to put out, but so far until the day I got out of office we have never got anything back.

And that hurts me because that is our roots. Head Start is our roots of the foundation of our lives. They are the ones that are going to lead us into the future, and I think we need to focus a lot of our attention on that and our veterans. We had talked about that today, because if it was not for them, we would not be here in this free country.

Ms. MCCOLLUM. Thank you.

Mr. HONYAOMA. But there is a lot to do with that.

Ms. MCCOLLUM. Thank you, Mr. Chair. I bring this up because I and I am sure you have had some of the same conversations, monies that the tribes might have put into schools where we were short, where the Federal Government was short on the funding, they struggled between do we put it into Head Start, or do we put it into traditional K-12, and when you know how important Head Start is, early childhood with all the information coming out, it is starting to become even a deeper, deeper struggle for many of the Native American communities.

Thank you, Mr. Chair.

Mr. HONYAOMA. And it is affecting all the tribes.

Mr. COLE. Thank you. Mr. Chairman.

Mr. SIMPSON. No.

Mr. COLE. Mr. Calvert.

Mr. CALVERT. Not at this time, but thank you.

Mr. COLE. Mr. Flake.

Mr. FLAKE. Yes, sir. With regard to limited funding again, in Arizona there is a mix of funding that goes to a lot of these schools

you are referring to. Is there any state funding that is pulled down?

Mr. HONYAOMA. No. As far as I am concerned there is no state funding. It is nothing but Bureau operated, but I can tell you this. Back when I was in office we had a situation with our state. They were accusing us of double-dipping because states had competitive funding, grant funding, and we applied for that as schools. We got the money, and the state legislature started saying, well, you are double-dipping, Indian tribes, because you get money from the Federal Government, plus you are asking for money from the state.

But to me they funnel through the same process. Just like Federal Highways Administration. Well, it is the state and the Bureau, and that is all we were trying to do is take advantage of the opportunity for grants to further enhance our education, our students, but that was when we were criticized. So, no, we do not get anything from the state.

Mr. FLAKE. I recall that. That is why I brought it up. So you did receive funding for a time under that or not?

Mr. HONYAOMA. Just a short time.

Mr. FLAKE. Okay.

Mr. HONYAOMA. And that was it, and after that everything closed up.

Mr. FLAKE. Okay. Thank you.

Mr. COLE. There are real problems here just in the sense that tribal governments do not have the power to tax. Obviously we have very low per capital income anyway, so, I would love to see statistics on, the amount of dollars per kid on a reservation and the amount of dollars per kid immediately off the reservation, because there is a federal trust responsibility. I do not know how you could argue we would be spending less money on the kids that we are responsible for than the state surrounding is putting for its children.

And yet I am sure you would find out again and again that this is not just a minor differential. It would be a factor of two or three times in many cases, and there is just no way, schools can operate at that kind of disadvantage and be able to provide those children with the education that they deserve.

Mr. MIKE. And just to add to what you are saying as far as the disparity between the funding, you would have to understand the impact of environment that our schools are located and our homes are located. Just for our school, Pinon Community School, is only a kindergarten school, but we have a residential as well, but the kindergarten, we go door to door to their homes and bring them in and take them back every day.

Then on top of that it gets really hard during winter season, during seasons where some of these roads become impassible. That is where this transportation costs come in, and a lot of times it is not enough to cover all of that as far as some of our buses, even the four-wheel drive, they are stuck halfway in mud ruts, and so we have children on there and kind of safety issues, things like that.

Mr. COLE. I know Chairman Simpson has plans for August and later to actually make some trips into Indian Country so the committee has a better opportunity to see these things firsthand. So

hopefully we will have an opportunity sometime in the not too distant future to do that, and I know in several areas we will.

Mr. MIKE. Well, I welcome you to come over to our area.

Mr. COLE. I would very much like it. I have had the privilege of certainly going through Navajo Country but not in official capacity. Just enjoying the beauty of the land but honestly seeing the challenges you face geographically, too. They are enormous.

Mr. MIKE. Yeah.

Mr. HONYAOMA. And I just wanted to leave you with this, that our school, Hotevilla-Bacavi, has been meeting adequate yearly progress since its inception in 2000. We just made AYP again last year, so with that I would like to invite all of you to come out and look at our school and look at our reservation, how they look, so you have a better idea.

But, again, we take this opportunity to thank you for that, and we look forward to working with you, and we will get you that information as soon as possible.

Mr. COLE. Thank you very much, and I appreciate your testimony. Thank you.

Mr. HONYAOMA. Thank you.

Mr. COLE. I am going to take chairman's prerogative or temporary chairman's prerogative and invite the three Oklahomans up here that we have altogether. So Harold Dusty Bull and Joy Culbreath and Melanie Knight, if all three of you could come.

If I may, Mr. Chairman, these are three people I know quite well because they have certainly been in my office, and they represent tribes in my state, and they have been here before, before this committee, so I want to thank all three of you for being here. I do not know any three people who work harder in Indian Country not only for their respective tribes but to defend the interests of all tribes and advance them here, and they have different things to talk about, so Madame Secretary, perhaps we just start with you and work across the line, and if you would, just for the benefit of the committee, introduce yourself and certainly let them know what your title is with the Cherokee Nation and what you do.

Ms. KNIGHT. Certainly.

TUESDAY, MAY 3, 2011.

CHEROKEE NATION

WITNESS

MELANIE KNIGHT

Ms. KNIGHT. Thank you, Chairman Cole, Chairman Simpson, members of the committee. I am Melanie Knight. I am Secretary of State with the Cherokee Nation, and I am here to present on behalf of Cherokee Nation today.

Cherokee Nation just for benefit of those of you that do not know us well, we were one of the first tribes to enter a treaty with the United States in 1785. Two hundred years later we entered into agreements under the Indian Self-Determination and Education Assistance Act, which was for us a new era of partnership with the United States.

No single enactment had a more progressive affect on tribes and specifically the Cherokee Nation than the Indian Self-Determination and Education Assistance Act. In three decades we have assumed control of many door-opening affairs in Indian health service programs, including healthcare, education, law enforcement, land and natural resource management, and protection. It serves a mechanism to shift back control to the Nation in the sovereign light of ours to control and administer these essential services, manage our own natural resources, control our economic future, and increase self-sufficiency and economy as a Nation.

Presently the Cherokee Nation is thriving in our 14-county jurisdiction in Northeast Oklahoma. We have approximately 305,000 citizens worldwide, and we are the largest employer now in Northeast Oklahoma, and we employ 8,500 people there. About 5,000 of those employees are employed in our various businesses, and those businesses range from hospitality, information technology, environmental services, and the aerospace sector. So we have grown quite a bit since the advent of self-determination.

Strong, cohesive Cherokee communities are also existing and help us preserve, adapt, and prosper in today's economic climate and help preserve our culture and language in those communities.

So funding for both the Indian Health Service and Bureau of Indian Affairs is important to our progress and important to help maintain that progress as we move forward. So I will discuss just a few of those things today.

Under our self-governance compact with the United States we construct and maintain water lines. We also operate a sophisticated network of eight outpatient clinics and also WW Hastings Hospital in Tahlequah, Oklahoma. We provide primary medical care, dental, optometry, radiology, mammography, behavioral health, and health promotion and disease prevention services.

Hastings Hospital in Tahlequah is a 60-bed inpatient facility. We have 300,000 outpatient visits in that facility each year. We fill over 335,000 prescriptions in that facility annually, so it is quite a large workload for one facility.

The IHS Joint Venture Program has become a very important program for us. It demonstrates a shared commitment between the Indian Health Service and tribes to help expand facilities in Indian Country where otherwise we may not be able to, and it has become especially effective in the Oklahoma area. The Cherokee Nation and other tribes in Oklahoma have joined together to support that this be funded on an annual basis more consistently, that we provide adequate funding for the Indian Health Service side, which is the program side of the house, the tribes commit to build the facility, and that we fully fund the contract support costs that go along with that program. It helps advance facility building out in Indian Country.

In addition to the well-documented disparate funding between the IHS and other federally-funded health systems, funds among the IHS areas are funded equivocally as well. The Indian Healthcare Improvement Fund assists us in achieving parity among the Indian Health Service areas for funding. We join other tribes in recommending that the Indian Healthcare Improvement Fund be addressed, be addressed on a time-limited basis so that we

can raise parity for the Oklahoma area and others like it that are among the lowest funded in the Nation.

Given the deficit in funding for Indian health in general we recommend, of course, that all funds appropriated to Indian Health Service be specifically exempted from the rescissions that may come about during the appropriations process.

In regard to Bureau of Indian Affairs Services, the Nation, of course, operates a full range of those services now from Sequoia Schools, child wellness programs, child abuse services, adult and higher education, housing, law enforcement, and so forth, and these programs since the advent of self-determination have become important building blocks in us achieving self-sufficiency and being able to develop the economy of our jurisdiction. So they are important to continue to fund those programs.

One of the most important budgetary issues that is facing Indian Country is a severe under-funding of contract support costs in both the Bureau of Indian Affairs and Indian Health Service. It negatively affects almost every tribe in the United States. Nearly every tribe has some form of a contract that is negatively affected. The issue is specifically significant because each dollar that we do not recover in contract support costs which is a legally-required and a cost to be covered affects direct programs one for one.

So if the Nation sustains a shortfall, presently our shortfall is about \$4.2 million a year, that results in \$4.2 million in direct healthcare that must be diverted to cover these costs, because of course, they are fixed costs, must be paid. The Nation has no option but to pay them, and so direct care is affected by that. The IHS projects a total shortfall of 153 million. So when you look across the country, \$153 million in direct care is affected by the failure to fund contract support costs.

In addition, the BIA is under-funded by another \$62 million, so that means funds going to law enforcement, courts, and other programs are affected as well.

Now, I would like to give you just short example of how it affects us.

Mr. COLE. We are running out of time.

Ms. KNIGHT. Okay. In 2010, we made a little bit of progress. We were able to recover an additional \$8 million based on the increase in contract support cost that was approved. With that \$8 million it meant 124 jobs, health jobs that we were able to hire for our health system, pharmacists, healthcare providers, dental staff, and so forth, and that generated another \$8 million in third-party revenue for our health system. So you can see how this has a direct relationship on patient care.

So with that I will wrap up my comments, but thank you for your time, and I would be happy to answer any questions you have for me today.

[The statement of Melanie Knight follows:]



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ŲŲGJ
 Chad "Comtassel" Smith
 Principal Chief
 JLCŲŲ JC-hŲ
 Joe Grayson, Jr.
 Deputy Principal Chief

United States House of Representatives

**Hearing before the House Appropriations Committee
 Subcommittee on Interior, Environment, and Related Agencies
 On the FY 2012 Budget**

10:00 a.m., May 3rd, 2011

B-308 Rayburn House Office Building

Testimony of Melanie Knight, Cherokee Nation Secretary of State

Introduction: Mr. Chairman, members of the Committee, thank you for convening this hearing to discuss important Fiscal Year 2012 Budgetary concerns regarding Native American Issues. I am Melanie Knight, Cherokee Nation Secretary of State and on behalf of the Cherokee Nation, I am here to request that the federal government uphold its Trust Responsibility in regards to the Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) and their 2012 budget priorities for Indian Country. The Cherokee Nation (Nation) was one of the first tribes to enter a treaty with the United States. Over 200 years later the Nation executed a self-determination contract under the original Indian Self-Determination and Education Assistance Act and in 1990 executed a self-governance agreement under ISDEA, Title III.

No single enactment has had a more profound effect on tribal communities, including the Cherokee Nation, than the ISDEA. In just two decades, we have taken over the administration of several Bureau of Indian Affairs and Indian Health Services programs, including health care, education, law enforcement and land and natural resource management and protection. It has served as a mechanism to shift back to the Nation our sovereign right to control and administer essential governmental services and engage in economic and resource development at the local level, thus increasing efficiency and autonomy.

Presently, the Cherokee Nation is thriving in our 14-county jurisdiction in northeastern Oklahoma. The Nation currently has approximately 305,000 citizens nationwide and we are the largest employer in northeastern Oklahoma with approximately 8,500 employees. While a percentage is employed within the Nation's government, an ever-increasing number of people are gainfully employed in the Nation's various businesses that range from the hospitality industry to the aerospace sector. Strong, cohesive Cherokee communities help us persevere, adapt and prosper in today's difficult economic climate. Therefore, the necessity for adequate funding for both the IHS and BIA is vital to maintain our recent progress and strength.

Indian Health Service (IHS): In accordance with the Self-Governance compact the Nation has with the Department of Health and Human Services, the Nation constructs and maintains waterlines and improves sanitary services throughout the region. Furthermore, in conjunction with IHS contract support cost dollars, the Nation operates a sophisticated network of eight rural outpatient health centers that provide Indians with primary medical care, dental service, optometry, radiology, mammography, behavioral health promotion

and disease prevention and a public health nursing program. In addition to these services, the Cherokee Nation also operates WW Hastings Indian Hospital in Tahlequah, Oklahoma. Hastings is a 60-bed facility offering outpatient and ancillary services with over 300,000 outpatient visits each year and more than 335,000 prescriptions filled annually. The Nation also has inpatient and outpatient programs for management of specialty care throughout our 14-county jurisdiction, therefore adequate funding is necessitated.

Expanding the Joint Venture Program: The IHS Joint Venture program demonstrates the shared commitment of Tribal Nations and the IHS in providing additional health facilities within the Indian health system and the staff necessary to support the facilities in the Nation. This has been especially effective in the Oklahoma City Area. The Cherokee Nation requests that the Joint Venture program be funded on an annual basis, including CSC funds, and adequate operational funds.

Indian Health Care Improvement Fund (IHCIF): In addition to the well-documented disparate funding between the IHS and other federally funded health programs, funds among the IHS Areas are distributed inequitably. In order to address such inequities, the IHCIF was created to achieve parity among the IHS Areas. Nations have recommended that the federal government implement a time-limited plan to bring all IHS Operating Units to the 80% level. To achieve parity, a \$1 billion investment will be required over a four-year period. Such an effort is especially supported by Oklahoma City Area Tribal Nations, given the estimate that under current funding levels for the IHCIF, it will require 120 years to reach parity with the other Areas.

Need to Exempt IHS Appropriations from Rescissions: The Cherokee Nation realizes that the federal government will be limiting spending for budget discretionary programs; however, as a direct-healthcare provider, the Nation asks that all funds appropriated to the Indian Health Service be exempt from rescissions that may be imposed during the appropriations process.

Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant Funds: Each state receives block grant (a.k.a., formula funding) funds from SAMHSA for the purpose of providing behavioral health services for all residents within the state. However, when an American Indian is in need of behavioral health services, they typically seek care through an IHS or tribally-operated facility, as opposed to a state agency or state-operated facility. As with competitive and discretionary funds, giving the Nation access to this type of funding would allow us to expand and improve upon or behavioral health services to better meet the current demand on the system.

Bureau of Indian Affairs (BIA): Pursuant to the Nation's compact with the Department of the Interior, the need for full federal funding is crucial so the Nation can administer a wide array of federal programs serving Indian people. Several of these programs include social services, child wellness programs, child abuse services, adult and higher education, housing improvement programs, law enforcement service, road and bridge construction, planning and maintenance, forestry and real estate programs, and Johnson O'Malley education programs.

Tribal Priority Allocations: We join our fellow Self-Governance Tribes in continuing to request funding increases for the fundamental services provided as Tribal Priority Allocations. Of the 567 federally recognized Tribes within the United States, 235 Tribes manage their own affairs under Self-Governance agreements with the Bureau of Indian Affairs. Although these Tribes account for 42% of the federally-recognized tribes, they received only small percentage of the BIA budget which bears the responsibility for providing services to all federally-recognized Tribes. Collectively, most of the varied programs fall under the broad category of “Tribal Priority Allocations (TPA)”. Pursuant to provisions within the ISDEA, each tribe has the flexibility to utilize these funds to meet the distinctive needs within their local communities, resulting in more effective use of federal funds. In order for funds to yield necessary service delivery at the local level, it is imperative that distribution methodologies be applied consistently throughout Indian Country.

Fixed Costs-Contract Support Costs (CSC): One of the most important budgetary issues facing Indian Country for the upcoming fiscal year is the underfunding of contract support by the BIA and IHS which negatively affects every single tribe. This issue is especially significant to Indian Country where every dollar lost in contract support costs is one dollar less for health care, education, law enforcement and other critical governmental services. The contract support cost crisis has caused severe financial strains on the Nation’s programs and facilities, as it has for numerous other tribal governments.

Since contract support costs are fixed costs that a contractor must incur, tribes are required to either (1) reduce funds budgeted for critical healthcare, education and other services under contract to cover the shortfall; (2) divert tribal funds to subsidize the federal contract (when such tribal funds are available); or (3) use a combination of these two approaches. For every \$1 million that the Cherokee Nation must divert from direct patient care to cover contract support costs, the Cherokee Nation health system must forego 5,800 patient visits.

After years of neglect by subsequent Administrations for funding of CSC obligations and increasing budget shortfalls, in 2010, we finally received better funding. The effort in FY 2010 by Congress and the President to support a \$116 million increase to reduce the IHS contract support costs shortfall by one-half and a \$21 million increase to the BIA was welcomed. However, there were still excessive gaps in budget allocation amounting to over \$100 million. Even with this temporary attempt to increase funding, the current desire of both political parties to reduce the deficit could potentially hinder the progress we have made.

Jobs are imperative to helping the economy, which in turn reduces the deficit. Unemployment is often prevalent in rural areas of the Cherokee Nation’s jurisdiction and in FY 2010, an \$8 million infusion gave the Nation a means to create 124 jobs in rural health care facilities. These positions included pharmacists, dental staff, clerks, social workers, etc, which created positive economic growth in the surrounding communities and increased the well-being of our citizens. Furthermore, the increased staffing resulted in a dramatic increase in workload as compared to FY 2009: primary care visits increased

by 30,824 or 11 percent, dental visits increased by 6,138 or 16 percent and pharmacy visits increased 83,979 or 51 percent.

However, based on the increased services in FY 2010 attributable to increased CSC funds, the Nation estimates that a \$4.2 million shortfall will prevent us from providing 13,900 primary care visits, 2,700 dental visits and 37,700 pharmacy visits. Today, IHS projects a total fiscal year shortfall in contract support cost payments of \$153 million. That means a \$153 million cut in tribally-contracted programs (not IHS administered programs), therefore tribes alone must cover the projected shortfall as long as the federal government maintains the status quo of inadequate funding. Additionally, the BIA reports that its CSC shortfall exceeded \$62 million in FY 2010.

It is not acceptable for the Administration or Congress to seek deficit reduction by singling out tribally-administered health and law enforcement programs and cuts to essential governmental services for which the federal government is legally and contractually responsible to provide.

Fixed Costs-Various: In addition to contract support costs, there are other fixed or uncontrollable costs for which a tribe must bear the burden. These fixed costs include population growth, inflation, and tribal pay costs, which if not funded, will directly reduce services to our citizens. Tribal programs should at least participate on the same basis as federal programs for these funding allocations. The Nation urges Congress to fully fund these fixed costs in order to provide financial assistance to all Tribes.

Indian Guaranteed Loan Program: The Indian Guaranteed Loan Program, established under the Indian Financing Act of 1974, helps Cherokees and other tribes gain access to capital by guaranteeing and insuring loans to promote economic development throughout Indian Country. The program leverages appropriated monies by a ratio of 13 to 1. However, in the upcoming budget, the program sees a \$5 million reduction due to its supposed duplicative services because other agencies like the SBA also offer similar programs. However, they do not replace the Guaranteed Loan Program and I request that this highly-successful program be fully funded so that tribes have access to loans when attempting to increase their economic livelihood in often economic-depressed regions.

Conclusion: Mr. Chairman and fellow Committee members, the Cherokee Nation is committed to providing federal services and direct, local-level programs, including but not limited to job creation, education, health and law enforcement services in a time when bureaucracy, hard economic times and desired deficit reduction only hinder federal attempts to accomplish the same. The federal government's current fiscal situation should not allow the United States to break its Trust Responsibility and underfund the Cherokee Nation and Indian County. Thank you for your continued support and for the opportunity to testify on these critical FY 2012 Budget issues. Please contact the Cherokee Nation Washington Office at 202.393.7007 should you have any questions or need additional information.

Mr. COLE. Thank you, Madam Secretary.

Ms. Culbreath, good to see you again. I will tell you early just to warn you I will be talking with Chief Pyle later today about water issues in Oklahoma, and I am going to tell him how you do.

Ms. CULBREATH. Tell him I hacked it up.

Mr. COLE. He will not be surprised.

Ms. CULBREATH. He would appreciate that.

TUESDAY, MAY 3, 2011.

CHOCTAW NATION OF OKLAHOMA

WITNESS

JOY CULBREATH

Ms. CULBREATH. Thank you so much that I could be here today. On behalf of Chief Gregory Pyle of the Great Choctaw Nation of Oklahoma I bring greetings to the distinguished members of this committee. I am Joy Culbreath. I am the Executive Director of Education for the Choctaw Nation of Oklahoma, and I appreciate this opportunity to appear before this committee.

There are two priorities today. One of them is health. Mickey Peercy is our Executive Director of Health. He could not be here today, and so I hope you will read the testimony that is here for him. Contract health services and contract support costs are priorities for the Choctaw Nation, and we have the written testimony.

The support for Jones Academy is what I would like to visit with you about today and keep that afresh and on your minds. I am here to express our appreciation to you as the committee and the members past and present who supported our efforts to reestablish the federal trust relationship for Jones Academy education through the Bureau of Indian Affairs, BIE, and, BIA.

We worked together on this correction for decades. This happened back in the 1950s. Since the Federal Government unilaterally closed the academic programs at Jones Academy and Wheelock, both of those were in the Choctaw Nation, we really do not know why, created the Jones Academy Boarding Facility which required students to go to the local public school.

The statutory language to rectify this wrong is included in the President's fiscal year 2012 budget request. It was also in the fiscal year 2011, House committee-passed Interior appropriations bill written by this subcommittee. If enacted, it finally brings Jones Academy into compliance with the self-determination policy of the last 30 years. Strongly supported by this subcommittee. Most importantly of all it enhances future educational opportunities for our students.

There are so many people here to thank. The list would be endless. Mr. Simpson, Mr. Moran, and of course, our own Representative, Tom Cole from Oklahoma. I also would like to mention Representative Dan Boren, who has, no, not a member of this committee, but he has provided extensive guidance and support, and then, of course, representatives of the Administration, particularly Assistant Secretary Indian Affairs Larry EchoHawk. He considered our situation with an open mind and an open heart, and he looked

at the results of the subcommittee-directed report on the history of Jones Academy and recommended the budget neutral language under consideration in this bill.

This is a prime example of the ancient Choctaw philosophy that issues should be resolved openly and fairly by people of goodwill working together. With a new Jones Academy we built a brand new facility and opened it just a few years ago totally with tribal funds and the dedication of our Choctaw staff. We will work tirelessly to affirm your faith in us and especially in our students. With your support we look forward to continuing the unprecedented achievement record of our extraordinary students at Jones Academy.

We were found to be two years in a row academically the top four elementary schools in the State of Oklahoma at Jones Academy.

So on behalf of the Choctaw Nation of Oklahoma and our chief we are honored to provide our tribe's views on these priorities and respectfully urge your consideration and support of these program funding requests in the 2012 budgets for the BIA and the IHS.

[The statement of Joy Culbreath follows:]



Gregory E. Pyle
Chief

Choctaw Nation of Oklahoma

PO Box 1210 • Durant, Oklahoma 74702-1210 • (580) 924-8280

Gary Batton
Assistant Chief

**TESTIMONY PRESENTED BY
JOY CULBREATH, EXECUTIVE DIRECTOR OF EDUCATION SERVICES
(ON BEHALF OF MICKEY PEERCY)
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2012 BUDGET
AT THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
PUBLIC HEARING ON NATIVE AMERICAN ISSUES
May 3, 2011**

On behalf of Chief Gregory E. Pyle, of the Great Choctaw Nation of Oklahoma, I bring greetings to the distinguished Members of the Committee. I am Joy Culbreath, the Executive Director of Education for the Choctaw Nation of Oklahoma. I appreciate this opportunity to provide written and verbal testimony to the Committee on our top budget priorities for FY2012; highlighting:

Tribal Specific Priority

1. Support for the Jones Academy

National Priorities:

1. Provide \$50 Million Increase to Bureau of Indian Affairs (BIA) Contract Support Costs;
2. \$153 Million Increase for Indian Health Service (IHS) Contract Support Costs; and,
3. Provide \$200 Million Increase for Indian Health Service Contract Health Services.

Jones Academy

First, I am here to express our sincere appreciation to the Committee, this Subcommittee and all of the Members and staff, past and present, who supported us in our efforts to re-establish the Federal trust relationship for Jones Academy education through the Bureau of Indian Education; Bureau of Indian Affairs (BIE/BIA). We worked together on this correction for decades, since the Federal government unilaterally closed the academic programs at Jones Academy and Wheelock Academy and created the Jones Academy Boarding facility which required students to go to the local public school. The statutory language to rectify this wrong is included in the President's FY2012 budget request. It was also in the FY2011 House Committee passed Interior Appropriations bill written by this Subcommittee. If enacted, it finally brings Jones Academy into compliance with the Self-Determination policy of the last three decades, strongly supported by this Subcommittee. Most importantly to all of us, it enhances future educational opportunities for our students.

Testimony of the Choctaw Nation of Oklahoma
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 May 3, 2011
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There are so many to thank for their efforts that no list here would be sufficient. Chairman Simpson and Ranking Member Moran provided seamless continuation for the work begun by former Committee Chairman Norm Dicks and Representative Tom Cole, of our own Oklahoma delegation. I must also warmly thank our Congressman, Representative Dan Boren. Though not a member of the Committee, he provided extensive guidance and support. Finally, I want to thank the representatives of the Administration, particularly Assistant Secretary-Indian Affairs Larry Echo-Hawk. He considered our situation with an open mind and an open heart; looked at the results of the Subcommittee directed report on the history of Jones Academy; and recommended the budget neutral language under consideration in this bill.

This is a prime example of the ancient Choctaw philosophy that issues should be resolved openly and fairly by people of good will working together. With a new Jones Academy, built with Tribal funds, and the dedication of our staff, the Choctaw Nation will work tirelessly to affirm your faith in us and especially in our students. With your support, we look forward to continuing the unprecedented achievement record of our extraordinary students at Jones Academy.

Full Funding of BIA and IHS Contract Support Costs:

The Indian Self-Determination and Education Assistance Act (ISDEAA) has made it possible for Tribes to administer large portions of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) budgets, including operating programs previously provided by the Federal government functions in health care, education, law enforcement, and land and natural resource protection. Today, under the ISDEAA, Tribes collectively administer over \$2.82 Billion in essential Federal government functions, and support a workforce of approximately 35,000 people. The ISDEAA carries out its goal of transferring essential government functions from federal administration to Tribal administration through a contracting mechanism. To meet these contract requirements, the Act requires that both IHS and BIA fully reimburse every Tribal contractor for the "contract support costs" that are necessary to carry out the contracted Federal functions. When contract support costs are not funded, off-setting reductions must be made in direct health program funding, job vacancies go unfilled, and services are reduced, effectively making a program cut to desperately needed health services.

The IHS projects a shortfall in contract support costs (CSC) of \$153 Million for FY2012. This means a \$153 million cut in Tribally-contracted programs – not IHS-administered programs, but Tribally-administered health programs alone. The BIA reports its own shortfall exceeded \$62 million in 2010, indicating that total CSC requirements totaled \$228 million. Yet, the FY2012 proposed President's Budget request only \$195.5 million, resulting in a required cut in Tribally-operated BIA programs of another \$33 million next year.

And, as the CSC needs continue to escalate in this uncertain fiscal climate, for FY2013, the National Contract Support Cost Coalition project recommendations that the IHS contract support cost line will be increased to \$615 million and the BIA contract support cost line will be increased to \$228 million.

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The current status quo is just not acceptable. Without the requested increases, the CSC shortfall for both agencies will exceed \$186 million in FY2012. That means a \$186 million cut in Tribal health, education, law enforcement and other contracted programs, and could affect as many as 3,600 jobs.

Tribes are being penalized for their self-determination contracting. Because of the CSC shortfall, Tribal facilities have substantially less dollars to provide services to their communities than does an IHS-operated facility. Nor can Congress's Policy of Self-Determination move forward – new contracting activities have slowed drastically, and both IHS and BIA are stuck at no more than 60% of their budget operated by Tribes.

Finally, fully paying Contract Support Costs is *legally required*. The United States Supreme Court so held in the 2005 Cherokee Nation case. It is not necessary to write a better law; just honor the law that Congress has already written. The United States Government honors, to the penny, all government contracts even when doing so requires supplemental appropriations, with the exception of contracts with Tribes. This standard should apply to all Indian Tribes as well. Law, policy, fairness and honor require this.

Provide Increased Funding for Contract Health Service:

Contract Health Service (CHS) is the most complex and dysfunctional service provided by the Indian Health Service, Tribally Operated Health Program (IT) health care delivery program. CHS is designed to refer patients and reimburse providers outside of the IT system for medical services provided to American Indians/Alaska Natives (AI/AN) patients. The CHS supplements services that are not provided by the IT hospitals and clinics. Congress is aware of what CHS is designed to do. However, the underlying issue to be addressed is how CHS can be improved.

The most logical way to fix the contract health problem is to provide adequate funding for the IT system. The Congress is also aware of the marginal funding level for IT overall, and specifically in this line item. The FY2010 appropriations level for CHS was a positive step and needs to be continued, with similar increases for the next 5 years. At this point, we know that some Tribal health programs receive assistance in their health programs budget, specific to CHS, from their Tribal governments. Not all Tribes have the economic development base that allows this support. Also, in most cases, these Tribal funds are not recurring and cannot be counted on long term. Significant Federal funding over the next several years is critical.

It is difficult to define the unmet need for CHS throughout Indian Country. However, IHS Director, Dr. Roubideaux has implemented a CHS Workgroup in an effort to define the parameters of unmet need and to arrive at an approximate cost. This again, is a critical area that we must define so our requests to Congress are valid.

In closing, on behalf of the Choctaw Nation of Oklahoma, and Chief Gregory E. Pyle, we are honored to provide our Tribe's views on these priorities and respectfully urge your consideration and support of these program funding requests in the FY2012 budgets for the BIA and IHS.

Choctaws – growing as one with pride, hope and success

Mr. COLE. Thank you for your testimony.
 Ms. CULBREATH. Yes.
 Mr. COLE. Harold.

TUESDAY, MAY 3, 2011.

NATIONAL JOHNSON-O'MALLEY ASSOCIATION

WITNESS

HAROLD DUSTY BULL

Mr. DUSTY BULL. Chairman Simpson, Ranking Member Moran, Congressman Cole, Congressman Calvert, I am the Director of the Blackfeet Johnson-O'Malley Program in Browning, Montana on the Blackfeet Indian Reservation. I am here representing the National Johnson-O'Malley Association, which is based out of Oklahoma. I am the Vice President, and I also have with me the President, Virginia Thomas, who is sitting back here.

We educators in Indian Country are always happy to be in your company. If it were not for Congress supporting the Johnson-O'Malley Program and the appropriation process, we would not be here today. I want to acknowledge Congressman Cole from the State of Oklahoma for the many, many years he has supported this program. Congressman Cole knows the purpose and scope of JOM and how vital and how great the need is in the country and throughout this Nation.

I am here to tell you a little bit about the JOM Program and give you an update on our 2012 request and recommendations. It has been a very interesting year for JOM at the current funding year program. Like many who testified and will be testifying before you, it is very hard to plan for the future when you do not know what you currently have.

Johnson-O'Malley was enacted in 1934, to allow the Department of Interior to provide assistance to Indians in the areas of education and other needs but including relief and distress and transition from Indian settings to the general population. Seventy-six years later this program is still providing this vital, critical service to Indian children who most of them live in impoverished communities where their unemployment rate runs as high as 70 percent, especially during the school year when children need the assistance the most.

JOM grads provide Indian tribes, school districts, tribal organizations, parent committees with supplemental funds to provide special educational needs for their children who attend public schools, non-sectarian schools from ages three years to grade 12. Without JOM dollars Indian children of all academic standings would not be able to afford such things as college counseling, athletic equipment, after-school tutoring, transition programs, musical instruments, scholastic testing fees, school supplies, and other basic needs such as cap and gowns for graduation.

Other federal programs such as the Department of Education, I want to reiterate this, other federal programs such as the Department of Education does not allow for these types of activities within their funding. Our program on the Blackfeet Reservation funds

the basic needs to keep our children in school and to keep our parents involved in the education of their children.

If you go back in history, you will understand that the education of our children was taken away from our parents. Kids were housed in boarding schools and so forth and so on. And so that responsibility was taken away. So we are still reintroducing that responsibility to our parents.

Seven percent of the Indian children go to boarding schools. Ninety-three percent go to public schools, so it is a big job.

Nationally we are requesting a new student count and to lift the freeze on the student count that was enacted in 1995. Along with our partners, the National Indian Education Association, we are requesting the JOM Program be restored to 24 million, the amount that was appropriated when the BIA and the BIE froze the account in 1995. They froze the account in 1995, but they did not freeze the money. I wish they would have froze the money and not the account. We would be in better shape today.

But last but not least, we want the JOM position to be restored here in Washington, DC, so that Indian tribes and Congress will have a process to provide the proper information we both need to move this program forward and to continue the success this program has had for 76 years.

I am very grateful to be here to testify before you. We have submitted written testimony. We are asking for your help in regard to our requests and recommendations, and if you have any questions, I will be more than happy to answer them at this time.

[The statement of Harold Dusty Bull follows:]



NATIONAL JOHNSON-O'MALLEY ASSOCIATION

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"We are the elected voice and liaison to Congress for JOM Programs Nationwide"

**TESTIMONY OF THE
NATIONAL JOHNSON O'MALLEY ASSOCIATION
BEFORE SUBCOMMITTEE ON INTERIOR
AND RELATED AGENCIES**

May 3, 2011

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee, my name is Harold L. Dusty Bull and I am the program Director for the Blackfeet Johnson O'Malley program of the Blackfeet Nation of Montana. I am here today representing the National Johnson O'Malley Association, which I serve as Vice President.

We educators in Indian Country are always happy to be in your company. The previous administration tried to eliminate the JOM program. But for our good friends in Congress supporting us through the appropriations process, the JOM program would have waned out of existence.

I'm here to tell you about JOM and to give you an update on our fiscal year 2012 requests and recommendations. I don't need to tell anyone in this room, but it has been a very interesting year for JOM and as a current year funded program we have been eagerly watching the appropriations process for this year. Like most people who have testified and will be testifying it is hard to plan for the future when we don't know what we currently have.

What is JOM?

The Johnson O' Malley Act was enacted in 1934 to allow the Department of the Interior to provide assistance to Indians in the areas of education, medical attention, agricultural assistance, social welfare, and relief of distress because of findings that Indians needed support to transition from Indian-only settings to general population settings such as the environments found in public schools and in urban areas. Seventy-six years later, JOM continues to provide critical support to Indian kids – most of which live in impoverished areas.

JOM grants provide Indian tribes, school districts, tribal organizations, and parent committees supplemental funds designed to address the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. The purpose of JOM grants is to provide supplementary financial assistance for Indian students ages 3 to grade 12. JOM have historically provided basic resources so that

Indian students can participate in school like their non-Indian peers, which, in turn, gives them a chance to achieve academically.

Without JOM program dollars, Indian students at all academic standings, both remedial as well as gifted and talented, would not be able to afford things such as college counseling, athletic equipment, eye glasses, after school tutoring, or culturally specific education, resume counseling, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, financial aid counseling, caps and gowns, art and writing competitions. Other programs administered by the federal government, such as funding through the Department of Education, do not allow funding for these types of activities.

Our program at Blackfeet spends a good portion of our JOM dollars on after school programs and parenting classes designed to get parents more involved in their kids' education.

Our Appropriations Request

Along with our partner, the National Indian Education Association, we request a total of \$24 million for JOM, which was the FY06 enacted level. The FY10 enacted amount (and the enacted amounts from FY07 through FY09) was \$21.4 million, which was only partial restoration of JOM funding. President Obama's FY12 budget requests \$21.273 million, a decrease of \$259,000 from the FY10 enacted level. When FY11 is enacted we will be able to further assess the increase or decrease of these levels.

Even with the funding requested, \$24 million will not keep pace with the extraordinary needs in Indian Country. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth.

We urge this committee to work with us to lift the funding freeze to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

Finally, we hope that this committee will urge the DOI to appoint one staff person who can assist JOM programs moving forward. Much can be gained by having a person at the Department specifically charged with fulfilling the intent of the regulations. Additionally, we simply need someone in Washington who is dedicated to understanding and advocating internally for our program.

I am very grateful for this opportunity to testify and stand ready to answer any questions you may have.

Mr. COLE. Thank you very much for your testimony. I want to make a couple of comments, and then we will move because we are running behind schedule, and that is more my fault than anybody else's, I can assure you.

Madam Secretary, I just want to thank you for bringing up the concept of joint ventures. Again, Mr. Simpson is going to be visiting Oklahoma I think some time later this year and a number of other members, and that is one of the things we are going to make sure he has an opportunity to see. As you know Choctaws have a joint venture hospital as well. All our tribes have really done a good job when they have got money to match, and you will be impressed, Mr. Chairman, when you see how far they can stretch the healthcare dollars and bring additional things in here.

So I think this is a real way forward to break some of these deadlocks, and honestly, potentially a godsend for the tribes that are not fortunate enough and have to rely more heavily on Indian healthcare funding. It is very impressive what some of these tribes are doing. Certainly what the Cherokees are doing is very impressive.

Ms. Culbreath, I am glad you made the point which I always like to make, the Jones Academy deal did not cost the Federal Government a dime. This was simply a matter of going back and Congressman Boren worked very hard on this, going back and recognizing the relationship as it should have been and should have never been changed, and it was correcting a historical wrong at no expense to the Federal Government. And the Choctaws are really to be commended for that.

And finally, I want to just agree from the chair with what you had to say, Harold, about the need to get a new student count. The idea that we stopped having students in 1995 and the number never changed is a rather convenient budget fiction out here, and I also particularly appreciate you making the point of how many Native children are not in BIE schools. The reality is the vast majority, nine out of ten, are in the public school system, and Johnson-O'Malley is one of the few programs that actually gives you some flexibility to help those kids where they are going to school as opposed to simply BIE schools who would certainly have their own needs and need additional funding as well.

But this is one of those programs that is absolutely invaluable, and you get a lot of bang for the buck because you are building on top of a state appropriation, local appropriations that are already there. So I appreciate your advocacy and everything you and Virginia have done in this regard. It is has just been exceptional.

Ms. CULBREATH. And most of those programs, there is not enough money for JOM. I know with the Choctaws with Johnson-O'Malley that the Nation is putting in like 50 percent of what goes to the Johnson-O'Malley students, because we had to either cut the program out or cut it in half, and so we use our federal funds, and then the Choctaw Nation puts in the other half.

Just like you were talking about our early childhood programs, we are second to none. Matter of fact, we have the best programs in the State of Oklahoma. We just received the award that we met 100 percent of all of the mandates of the Federal Government in our Head Start Programs which are 1,700. Well, that cannot be

met with federal funds. That is totally impossible. The tribe puts more money in Head Start than the Federal Government does in the Choctaw Nation.

So those are things that need to be mentioned. I asked the lady that came and did our report this past year, audited us, do not compare us with other tribes. That is unfair because the tribes that cannot put the money into their programs should not be compared to a tribe that can have more money from their tribe than they do from the Federal Government. We met those 1,700 requirements 100 percent. Only two tribes in the United States. The other tribe had 20-something students. We have 310. So that is why I am telling you that the tribes that can, we are stepping up to the plate. We are not asking the feds for everything, but we are also having to do that, to meet the mandates of the Federal Government, which is totally unfair to the other tribes.

Mr. COLE. Now, this goes to a point that Mr. Shelly, President Shelly of the Navajo Nation made earlier, how important it is for tribes to have sources of revenue beyond the Federal Government, and that is hard to do, you know. That is very hard to do, but when tribes are able to do that, they always take the money and reinvest it back in their people.

So the things this committee can do beyond just money are to try and assist them to be entrepreneurial because I can tell you they make money like a private business, and they invest it like a government right back in their people.

So I am sorry, Ms. McCollum, I was kind of on my high horse there and so I can turn it over to you for your questions.

Ms. MCCOLLUM. I just echo what you said and the comments that you made about reinvesting in people and not comparing tribes to tribes, and I know that two leadership tribes in Minnesota are successful in gaming but they are also diversifying, the Mille Lacs Band and the Shakopee Mdewakanton Sioux not only help their own people but they help, as they say, their brothers and sisters and cousins in surrounding areas, and I know especially in the Dakotas and throughout Minnesota, so the reach-out is great.

I would just like to ask a question about Impact Aid. The other appropriations subcommittee I serve on is veterans and military construction, which deals with some of the Impact Aid. Questions about that also go to the heart of Johnson-O'Malley. Would you, for this committee, because I am trying to cobble some information together as you can tell through Head Start and that, that impact as well, for this committee?

Mr. DUSTY BULL. Well, the Impact Aid Committee was actually designed for the military bases at one time because there were large military bases, and they were educating students on the military bases, and they had no tax base. So that is how that came about. Then all of a sudden they realized Indian tribes fell under the same category because they had no tax base. They had no way to generate revenue to educate the Indian children.

Okay, and that is how Impact Aid came about, so it is not just for Indians on Indian reservations. It is for anybody in trust, where the government has land and trust and people live there, and they have children to educate. So that is how Impact Aid came about.

The Johnson-O'Malley Program is a simple mental education program that is designed to meet the specialized and unique educational needs of Indian children, and these funds go directly to Indian tribes, and it is kind of a way of us practicing our sovereignty in a way, of promoting the education of our children, where Impact Aid funds go directly to the school districts and to the state process.

Ms. MCCOLLUM. Thank you, and Impact Aid both for our military families and for Native American children has not kept up with inflation, so that is a cost factor to school districts that sometimes have extra transportation costs, and at times if Head Start has not been provided, intervention costs.

Thank you.

Mr. DUSTY BULL. I just wanted to make one more point. Impact Aid is in lieu of taxes for those areas.

Ms. MCCOLLUM. Yes.

Mr. COLE. Absolutely true. Mr. Chairman.

Mr. SIMPSON. Thank you. Thank you for your testimony. I look forward to seeing you in August. We questioned whether August was the right time to go to Oklahoma. Nevertheless, we will be there in August, so I look forward to that.

Harold, let me ask you a question. I do not mean to throw a bomb out to you or anything like that, but I have wondered this and some people have asked me this. Should the BIE be under the Department of Education instead of the Department of the Interior?

Mr. DUSTY BULL. Well, because of the trust responsibility and the treaties that we have with the United States Government, in my opinion I think it should stay where it is.

Mr. SIMPSON. Where it is?

Mr. DUSTY BULL. Uh-huh.

Mr. SIMPSON. Because those trust responsibilities would not diminish. It is how we deliver it. Some people have asked me, you know, why is the Department of the Interior trying to run Indian schools instead of the Department of Education, which is supposed to be the education experts. I do not know. I do not have an answer for them, do not know how it originated this way or what, and I am not suggesting that that ought to happen. I just would like to answer the questions sometimes.

Mr. COLE. Mr. Chairman, if I may, just a point of reference, part of the problem, I do not know if it is a problem or not, but just there was no Department of Education when Indian schools were set up.

Mr. SIMPSON. That is true.

Mr. COLE. So they were located where Indian affairs were administered.

Ms. CULBREATH. If you ask three people, you will get four different answers.

Mr. SIMPSON. And they do not even have to be attorneys, do they?

Ms. CULBREATH. No.

Mr. SIMPSON. Thank you.

Ms. MCCOLLUM. Mr. Chair, to that point the Department of Education does not build and maintain facilities, so that would be a

whole new addition onto them. I think what we need are better operation and memorandums of understanding that are clear as to who has responsibility for what so that people cannot walk away from their responsibilities.

Mr. COLE. Well, the one advantage you would have is to move towards some sort of formula funding. I mean, I think the big problem always is the disparity between reservation schools and the surrounding schools. I have never seen a situation where a reservation school was remotely funded as well, and again, that is a federal responsibility. So I think there ought to be some sort of linkage that requires the Federal Government to match in the area what states and localities.

Then you actually would be providing on a dollar-for-dollar basis the kind of education in a given state that the average kid is getting, and honestly, the kid on the reservation school or BIA school quite often is not getting, through no fault of their own.

Mr. SIMPSON. You are right, and if the argument is we want to do it under the Department of the Interior because they get better service, that has not proven to be the case if you are looking at it in terms of the quality of schools and stuff.

Ms. CULBREATH. We wrote a letter to Congress. I serve on the No Child Left Behind. We wrote a letter to Congress saying that you need a better working between BIE and BIA. You might want to look at that. We found that one of our biggest problems was they did not know whose job it was to do certain things.

Mr. SIMPSON. Well, we are never going to help Indian tribes across this country address the unemployment, poverty, the things that they uniquely face on the reservations if we do not do something about the quality of education that they have.

Mr. COLE. Madam Secretary.

Ms. KNIGHT. I just wanted to mention that in the reauthorization of the education bill, there has been some discussion of considering tribal education agencies on the same basis as local education agencies for the purposes of formula funding from the Department of Education, and I think that would be a very positive step, to consider tribes that operate education programs in very much the same way as other local agencies.

Mr. COLE. Thank you. Mr. Calvert.

Mr. CALVERT. We should just match the District of Columbia. I thank the gentlelady.

You mentioned the large boarding school. I have one of them in my congressional district; the Sherman Indian Institute has been there for well over 100 years now. I guess it is only one of, what, four or five left in the country of significant size.

I want to get your feeling about—I, you know, as Mr. Simpson, I do not want to throw a bomb but they have changed somewhat over the years, and it has certainly been an integral part of our community. One of the frustrations for me has been that they do not allow flexibility in funding. I have talked to Chairman Cole about that where we could bring in outside possibilities of income to help offset their operation, maintenance accounts, and it seems that they are not falling down like a lot of the problems within Indian education throughout the country.

But what is your philosophy about these institutes or these boarding schools?

Mr. DUSTY BULL. Well, first of all, boarding schools are still necessary across Indian Country because of the ruralness and the remoteness of Indian tribes, and you have heard, no roads and no access to the educational facilities, so they are still necessary, and that is probably why only 7 percent attend. Okay? But yet those 7 percent are probably most likely students that perhaps would have a hard time getting to a regular public school if they were not in place.

But another thing, too, is that a lot of times we have a lot of children who do not have a family base, you know, to support them through education. This is why this program is important.

The only problem I have with this program is that it needs to go further than just education. It also needs to meet the social situations that these children face when they get to that school and to keep them there and complete the process of their education. That is what I would like to see them do.

But as far as saying they are totally not needed no more, that would not be the case, not at this time and probably not in the near future. They are still necessary.

Mr. CALVERT. And that is what I wanted to hear, Mr. Chairman, because it seems that the difficulties of these young men and women that are going through these large boarding schools are still necessary, the few that we have left, and I wish we did a better job of operating them, and I think that the flexibility that we talked about before we ought to look into.

With that, thank you, Mr. Chairman. Appreciate it.

Mr. COLE. Thank you very much for your testimony.

Mr. COOCHISE, I believe you are next up. It is good to see you again.

Mr. COOCHISE. Thank you.

Mr. COLE. Welcome back.

Mr. COOCHISE. Good to see you again.

TUESDAY, MAY 3, 2011.

INDEPENDENT REVIEW TEAM ON TRIBAL COURTS

WITNESS

ELBRIDGE COOCHISE

Mr. COOCHISE. With me is one of my team members, Mr. Ralph Gonzales, of the Independent Court Review Team. We have eight members of retired judges, attorneys, and court reporters and administrators who are in this project to do assessments of tribal court.

First of all, I want to thank you. My name is Elbridge Coochise but easier to say Coochise.

Mr. COLE. I apologize.

Mr. COOCHISE. No, but one thing I do want to say, thank you very much to the committee for FY '10, increase of \$10 million added to the courts in Indian Country.

Just as a kind of summary, there are 300 courts in Indian Country right now; 184 are funded by the Bureau of Indian Affairs under Interior and BIA. The funding up to now with that last increase is 24.7 million. Prior to that it was only about 11.4 and then the committee added 2.4 in '08, and 2.4 in '09, then '10, and fiscal year 2010.

So but in our five years we have been on the road assessing courts that only still means 26 percent federal dollars to tribal courts through the system, where we found as low as 10,800 in one court and then as high as 2.3 million who was successful gaming in funding their court system.

The other issue now is the new law that Congress passed in '10 the Tribal Law and Order Act, and that did two things. It requires for enhancements in the judges, the prosecutors, and attorneys have to, public defenders have to be attorneys who are also barred, and most tribes cannot afford that with the funding that they get. And it also increased the maximum penalties from one year and \$5,000 to three years and a little higher on the money.

So we are here to request an additional 10 million be added to the fiscal year 2010 base that you had appropriated for, you know, \$10 million which was a real welcome sight. We were in Nevada last week, and we still have courts that do not have recording systems that cannot afford judges but maybe every three months or a prosecutor who is an attorney or public defenders, and so the cost is still there and the other was our request for tribal code development in fiscal policy manuals.

Those are the two areas that we found in the five years that we are having to go back and assist, put together court procedures manuals to comply with their codes and fiscal policy manuals. Those are the two top items that we have had to go in and help them draft up in written form.

So our request is still, again, a second 58.4 million that Congress passed in December of 1993. It has never been funded, and the only funds is the piece meals that has happened, and like I said, now we are 184, and we have another year on the contract to assess the 184. The assessments are only those courts that get money from BIA through the Department of the Interior.

Then there are other issues that OMB added in there. That is the speedy trial issue, and we are finding that that is not really a problem because most of them are complying with that.

And for the tribal courts to maintain their staff they need to get increases in salary. So that is our request here. We do not work for any particular tribe or court. We are just here to help the tribal courts in trying to get resources to operate their institutions on the reservations.

[The statement of Elbridge Coochise follows:]

INDEPENDENT REVIEW TEAM
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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS
SUBCOMMITTEE FOR THE FISCAL YEAR 2012
BUREAU OF INDIAN AFFAIRS APPROPRIATIONS
May 3, 2011

Thank you for the opportunity to testify today and to address the serious funding shortages that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I serve as the Lead Judge representing the Independent Tribal Court Review Team. For the past 5 years, the Review Team has conducted an assessment of approximately 73 Tribal courts systems, including analysis of staffing and resources. We thank this Committee for the additional \$10.0 million funding in FY 2010. These funds were a blessing to Tribes. Even minimal increases were put to good use. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in FY 2012 to support the needs of Tribal judicial systems.

Budget Priorities, Requests and Recommendations

1. + \$10.0 Million Increase for Tribal Courts above the FY 2010 enacted level
2. + \$58.4 Million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds have been appropriated to date)

The increase funding will support:

1. Hiring and Training of Court Personnel
2. Compliance with the 2010 Tribal Law and Order Act
3. Salary Increases for Existing Judges and Court Personnel
4. State-of-the-Art Technology for Tribal Courts
Security and Security Systems to Protect Court Records and Privacy of Case Information
5. Tribal Court Code Development
6. Financial Code Development

BACKGROUND:

The Bureau of Indian Affairs (BIA) within the Department of the Interior provides funding to Tribal governments to supplement their justice systems including courts. Tribal courts play a

"vital role" in Tribal self-determination and self-governance as cited in long-standing federal policy and acts of Congress. Funding levels from BIA to support Tribal justice systems have not kept up with the Federal obligations and responsibilities.

For the past 5 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed approximately 73 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

We have come into contact with every imaginable composition of Tribe; large and small, urban and rural, wealthy and poor. What we have NOT come into contact with is any Tribe whose Court system is operating with financial resources comparable to other local and State jurisdictions.

JUSTIFICATION FOR REQUEST:

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under experienced staff and minimal training. (We have determined that hiring Tribal citizens limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Compliance with the 2010 Tribal Law & Order Act** – To provide Judges, Prosecutors, Public Defenders, who are attorneys and who are bared to do “enhanced sentencing” in Tribal courts
3. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel.
4. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
5. **Security and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
6. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)
7. **Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

TRIBAL COURTS REVIEW:

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Our research indicates Tribal Courts are at a critical stage in terms of need. Nationwide, there are 184 Tribes with Courts that received \$24.7 million in Federal funding in 2010. Assessments have indicated that BIA only funds Tribal Courts at 26% of the resources needed to operate. Tribes who have successful economic development ventures generally subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. All this while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal citizens. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

The grant funding from the Department of Justice (DOJ) is intended to be temporary. However, we have found that it is often used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the DOJ funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget, our Reviews specifically examined how Tribes were using Federal funding. In the last five fiscal years through FY2010, there were only two isolated incidents of a questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise one's due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. Tribal Courts need an immediate, sustained and increased level of funding. True. However, as we have noted, there are strong indications that the Courts will put such funding to good use.

There are Tribes like the Fort Belknap Tribe of Montana whose Chief Judge manages both offices and holds Court in an old dormitory that can't be used when it rains because water leaks into the building and the mold has consumed one wall. ***Their need exceeds 100%.***

There are several courts where the roofs leak when it rains and those court houses cannot be fixed due to lack of sufficient funds. The Team took pictures of those damaged ceilings for the BIA hoping to have additional funds for the Tribes to fix the damaged ceilings.

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally not law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

I come here today to tell Congress these things. We feel it is our duty to come here on behalf of Tribes to advocate for better funding. Tribes ask us to tell their stories. They open their files and records to us and say, "We have nothing to hide". Tell Congress we need better facilities, more law enforcement, more detention facilities, more legal advice, better codes... the list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this Administration can do something great. We respectfully request that funding be invested in our Tribal courts to fulfill and meet the promises that have been made.

NATIONAL REQUESTS:

We support the requests and recommendations of the National Congress of American Indians.

In closing and on behalf of the Independent Tribal Court Review Team; Charles D. Robertson Jr., Honorable Philip D. Lujan, Myrna R. Rivera and myself, we thank you for the opportunity to provide these requests and recommendations.

Mr. COOCHISE. Mr. Gonzales is here with me as a team member, but he also was a former bureaucrat and did a couple of surveys while he was in the BIA to try to get resources to tribal courts.

Ralph, do you want—

Mr. GONZALES. As Judge Coochise points out, there is a major shortage of funding on Indian reservations, and it is three-tiered. One is 26 percent of the total funding needed comes from the Federal Government. The other 74 percent comes from tribal governments. But that is not the total need that tribal courts have. That is not 100 percent. They still need more in order to operate, so whatever you are giving is very helpful, but it falls short of what is totally necessary.

Mr. COLE. Judge, if I could, I just have one question before I defer to my colleague. I agree with you. The need for funding is very great here. Now that we have had a little bit of operation of the Tribal Law and Order Bill and starting to see it, do you have any suggestions? None of these things are ever perfect. They are also part of a compromise.

Are there things legislatively in addition to extra funding that we ought to be looking at in the tribal law and order area from your standpoint?

Mr. COOCHISE. Well, I think other than money any act that is passed, how to implement it, and that it be done with assistance of tribes. The Law and Order Act put some new requirements that realistically today cannot be done. There is only 70 jails in Indian Country with 300 court systems, so even if they wanted to enhance sentencing, you just heard about the attention and other issues that there are, I think, four new detentions out there that are built, but there is no staffing, and they say they do not have the funds to operate those.

And so it is more or less following up on what has already been done and then getting the money to the tribal governments to run their justice systems.

Mr. COLE. Thank you. Ms. McCollum.

Ms. MCCOLLUM. Thank you. We had a discussion about a month ago about mutual aid between law enforcement and that can really affect a chain of evidence and all the other information that come in front of the court.

To Mr. Cole's question, is this something that we should be looking at to help create more opportunities, more trusts, more work in the mutual aid between law enforcement agencies, both tribal and non-tribal?

Mr. COOCHISE. Yeah, I think especially in fiscal year 2010 when there was appropriation, the new money, the \$10 million which was really welcome. There was an additional 50 million went to law enforcement. They are constantly going—there is a disparity. If you increase law enforcement and do not increase court, you have a bottleneck situation. So that is what is happening with Indian Country.

And the other issue with Department of Justice funding, they are giving grants for cops program and for drug courts. And I believe it was GAO just did a report which we looked at and said those federal agencies need to talk because we found in South Dakota when we did an assessment, one tribe received three grants from

DoJ, and none of them knew that they had the other. You know, each department did not know they gave money. So there is no coordination, and that needs to happen between the BIA and DoJ so that those funds, whatever they are, can work better to the benefit of the tribal justice system.

Ms. MCCOLLUM. Do you have a record of your backlog? I actually have my Blackberry out to make a note to get a copy of the CRS report if there is one. I haven't read it yet. And any GAO reports, and you alluded to one.

Mr. COOCHISE. Yeah, the GAO, I submitted it.

Ms. MCCOLLUM. Is that—

Mr. COOCHISE. I do not know if you got it. Our last year's report and the two places I will have you check is page 2, page 5 and 21. Two is the 18 courts we reviewed, the assessment and their scores, how they are doing. Page 5 is the corrective action where we go back in. Those that scored below a certain level and help them, and it is on the right-hand column. It tells what we have done for them. And then the last two pages, 21 to 22, is a list of the 79 courts that we have done thus far, and we have done 10 of the 18 that we contracted for this year already. And so that is what the team has done to date is not on the back. And I submitted a copy to Grace so all of you guys could get it. Here is just on the last two pages, it looks like this.

Ms. MCCOLLUM. Yeah, I am looking at them. So these are only the courts that you have had an opportunity to survey?

Mr. COOCHISE. Yes, to do assessments.

Ms. MCCOLLUM. This probably is not fair because everybody is in a different spot where they are with the tribal courts and the tribal justice and the cooperation between state and federal, everyone is different. But would you say on average, for percentage of population, that there is a 15 percent backlog, 25 percent backlog?

Mr. COOCHISE. I think the larger courts have a backlog problem of around 20 percent. The smaller ones, even though they can only hold court like—last week in Nevada, they only hold court like maybe every second or third month because they do not have the funds to pay a judge to come in. Then they have to do all of it in one day, and they have a higher backlog, and then there are others who do not have because they just put it through and whoever the prosecutor or public defender seems to work it out so that not as many cases get hung up on it.

Ms. MCCOLLUM. Okay. Thank you.

Mr. COLE. Thank you very much for your testimony.

Mr. COOCHISE. Well, thank you again. Again, to Mr. Simpson, we really thank you for the additional \$10 million you appropriated last year to tribal courts. It is helpful and we know that our court systems out there need the financial assistance. Thank you very much.

Mr. COLE. Thank you. Next I am going to call on Representative Berg, if I can. I understand you are going to introduce the next panel for us, so please, all of you from the Dakotas that are testifying, come on up, and Rick is kind of the Master of Ceremonies here I guess.

Welcome, and if I can, I am going to recognize you, Rick, first so you can make the appropriate introductions.

Mr. BERG. Well, thank you, Mr. Chairman. Really, it is a great honor here today to introduce some fellow North Dakotans, and I would like to start with Dr. David Gipp. Since 1977, he served as the President of the United Tribes Technical College, and he has really become a leader. Maybe everyone does not want to hear me. He has become a leader really in North Dakota in the Native American community. One message that he has gotten to people in North Dakota that I want to share, and these are his quotes, "We must do for ourselves what no one else can do and take control of our own destinies by making our own decisions and taking action to improve our lives." So Dr. Gipp, I admire your passion and all your efforts for building up what you have done with UTTC in North Dakota. Dr. Gipp is a former student, so I will introduce Russ and then also I want to recognize Dave Archambault from Standing Rock. Also thanks. You are admitted by many, and I appreciate your being out here, so thank you.

Chairman Yelbert, I guess we have not had a chance to get to know each other in South Dakota, but there is a bond between North Dakota and South Dakota. So I will give Kristy Nome a hard time for not being here to introduce you guys. Thank you, Mr. Chairman.

Mr. COLE. Rick, thank you, and I just want to tell all of you here, thank you for the great member you sent us from North Dakota. He is very knowledgeable on Indian Country and Indian affairs. That is not always the case with new members. He has been a terrific help and a great ally on a lot of these issues. So just again, thank you for sending us a member of such great quality and honestly, great interest in these issues.

I suppose the easiest thing is to start at one end and work through on the testimony. So Chief, if we could begin with you and if you would pull the microphone down there toward you so we can all hear your testimony, we will go through and then we will open it up for questions.

TUESDAY, MAY 3, 2011.

INTER-TRIBAL BISON COOPERATIVE

WITNESS

ERVIN CARLSON

Mr. CARLSON. Good morning, Mr. Chairman, and members of the Committee. Thank you for this opportunity you have given me to provide testimony today on behalf of the Inter Tribal Buffalo Council. I have also submitted the written testimony.

My name is Ervin Carlson. I am a member of the Blackfeet Tribe in Montana. I am the President of the Inter Tribal Buffalo Council. Just a little history on ITBC, ITBC consists of 57 tribes across 19 states, and recently we reorganized as a federally chartered Indian organization under Section 17 of the Indian Reorganization Act.

In 1991, ITBC was established by seven tribes with less than 1,600 animals, collectively, for the purpose of restoring buffalo to the Indian lands. With federal assistance, tribes now have grown to 52 herds with over 17,000 buffalo on our lands. As you know,

buffalo historically sustained Indians on this continent, and ITBC believed that reestablishing this cultural and spiritual connection would benefit both buffalo and Indian tribes.

I am here today to request \$3 million to allow ITBC to continue with buffalo restoration and herd maintenance, pursue economic development through marketing initiatives and implement health initiatives that will restore buffalo to the diets of Indian people.

ITBC is one of the few federally funded programs that actually passes the money directly out to tribes. Our unmet needs are \$10 million-plus, and these needs that we have is for our infrastructure, fencing, water development, staff for our tribes.

Presently ITBC is in the 2012 budget for \$1.4 million. A \$3 million increase will restore ITBC back to the 2006 levels that we were once at, and that was not where we need to be but it sure helped the tribes a lot more at that level, and we have recently gone down.

Restoration and herd maintenance, today ITBC members have 52 herds that are of various sizes and various stages of sustainability. Federal funding is very critical to continue buffalo restoration to Indian lands and to successfully maintain herds.

Indian lands are native to buffalo and tribes, and tribes have been successful at restoration. However, ITBC provides critically needed technical assistance such as range management, management plans, buffalo health assessments and as I mentioned before, all the infrastructure needs.

Buffalo have developed a new Indian Country industry. ITBC grants to tribes for buffalo management, creates jobs on reservations with extreme unemployment. Additionally, tribes are utilizing buffalo for economic opportunities.

With additional funding ITBC could assist tribes in establishing markets, develop marketing techniques and strategies. ITBC had to end its previous efforts through health initiatives due to funding cuts. Additional funding will allow ITBC to undertake efforts to restore buffalo into the diets of the Indian populations. ITBC would provide education to reservation populations on the health benefits of buffalo and also promote local slaughter and processing opportunities.

Presently, few opportunities for local slaughter exist in Indian Country. With funding ITBC hopes it might obtain a mobile slaughter facility to allow field slaughter and the use of buffalo products by local communities.

The buffalo were real important I guess to our diet. We were doing a health initiative with the additional funding that we had I guess in 2006 and reeducating our people back to the health benefits of eating buffalo. At one time, that is all we had for our diets, and we were free from diabetes. As you know, diabetes is rampant in Indian Country nowadays, heart disease, and we have gone away from eating those healthy foods. We were I guess brought away from that, and now we are teaching our people to come back to that, along with the restoration of buffalo to the Indian Country.

Economic opportunities, you know, buffalo is becoming very, very popular nowadays. So there are some economic opportunities also for tribes. And I will say that, you know, our tribes are at different stages right now. Some are looking toward the herds big enough

for economic development, some are just sustaining with the land base they have. But they can help our Indian people in a whole new way as they did in the past. In the past, they were everything for Indian people. They were our clothing, our lodging, our tools, and today they help us in a different way.

So ITBC is here to help tribes in whatever way they can prosper from the buffalo herds that are within the Indian nations.

So with that, I thank you for your careful and diligent consideration of, you know, additional funding for ITBC and restore back to where we were once before, and it would be I guess a kind of waste for the prior funding if we couldn't continue and enhance the programs that we have built with the tribes, you know, until now.

[The statement of Ervin Carlson follows:]

TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Presented by: Ervin Carlson, President
Inter Tribal Buffalo Council
Fiscal Year 2012

May 3, 2011

I. INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the President of the Inter Tribal Buffalo Council (ITBC), formerly the Inter Tribal Bison Cooperative. Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC has recently become a federally chartered Indian Organization under Section 17 of the IRA and is headquartered in Rapid City, South Dakota. ITBC is comprised of fifty-six (56) federally recognized Indian Tribes in nineteen (19) states.

On behalf of the member Tribes of ITBC I would like to address the following issues: 1) request an appropriation of \$3,000,000.00 for Fiscal Year 2012, from the Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our restoration effort, to continue to provide highly qualified technical assistance, implement our marketing initiative and to continue our health initiative which utilizes buffalo to treat and prevent diet related diseases among Native Americans; 2) explain to the Committee the unmet needs of the members of ITBC; and 3) update the Committee on the present initiatives of ITBC.

The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the Tribes with food, shelter, clothing and essential tools. In the 1800's, the white-man recognized the reliance Indian Tribes had on the buffalo. Thus began the systematic destruction of the buffalo to try to subjugate the Tribal nations. The slaughter of over 60 million buffalo left only a few hundred buffalo remaining.

Indian people developed a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. To Indian people, buffalo represent their spirit and remind them of how their lives were once lived, free and in harmony with nature. It is this connection that caused multiple Tribes to come together to organize ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to Tribal lands. ITBC envisioned the restoration of buffalo on Tribal lands would foster sustainable economic development that would be compatible with each of the Tribal cultures. The land bases of most Tribal Reservations is unsuitable for farming or raising livestock but this marginal land is ideal for raising buffalo who have lived in this ecosystem for thousands of years. ITBC received funds in 1992 and began their restoration efforts.

Federal appropriations have allowed ITBC to successfully restore buffalo to over fifty Reservations on over 1,000,000 acres of trust land, thereby preserving the sacred relationship between Indian people and the buffalo. The respect that Indian Tribes have maintained for the buffalo has fostered a very serious, high level of commitment by ITBC member Tribes for successful buffalo herd development. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease and others. Viable buffalo herds also offer Tribes the opportunity to develop sustainable economic development projects surrounding the buffalo. The primary focus of ITBC is to help develop Tribal herds that are able to provide a wholesome healthy meat product to the Tribal members while remaining economically viable in the Reservation landscape. This will allow the Tribes to utilize a culturally relevant resource in a manner that is compatible with their spiritual and cultural beliefs and patterns as a means to achieve self-sufficiency.

II. FUNDING REQUEST

The Inter Tribal Buffalo Council respectfully requests an appropriation for FY 2012 in the amount of \$3,000,000.00. This amount would restore ITBC funding close to the FY 2006 appropriation level and will greatly enhance our ability to successfully accomplish Tribal goals and objectives. This request will help balance our continuing growth in membership with our funding level. The \$3,000,000.00 funding level would restore vital funding that was cut in FY 2007, by the previous administration, and has not been restored. Our requested funding level of \$3,000,000.00 will allow our member Tribes to continue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, while simultaneously building economic sustainability for the Tribal projects.

III. FUNDING SHORTFALL & UNMET NEED

In FY 2006, ITBC and its member Tribes were funded through appropriations at \$4,150,000.00. The President's budget in FY 2007 and FY 2008 eliminated funding for ITBC. A Congressional earmark in FY 2007 and 2008 provided \$1,000,000 from the BIA for Herd Development Grants to Tribes only. In FY 2009 ITBC received \$1,000,000.00 through a Congressional earmark appropriation in the DOI, BIA budget and \$421,000.00 for ITBC Administration from BIA FY 2008 carryover funds. In FY 2010 and 11 ITBC was in the BIA budget at the level of \$1.4 million.

Reductions in funding from FY 06 levels critically impacted ITBC's successful Marketing Program and Health Initiative to address diet related health problems epidemic on most Reservations in a manner that would provide economic stability to the Tribal programs.

Without the restoration of funding close to the FY 2006 level, new member Tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to Tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of existing herds.

Furthermore, the investment made by Congress in FY 2006 towards ITBC's health care initiative has been cut to the point of almost being non-existent. This was designed to utilize buffalo for prevention and treatment of diet related diseases among Native American populations.

ITBC is structured as a member cooperative and 100% of the appropriated funds are expended on the development and support of Tribal buffalo herds and buffalo product business ventures. ITBC funding is distributed to ITBC member Tribes via a Herd Development Grant program developed by the consensus of the members. ITBC surveys member Tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member Tribes' projects is \$10,000,000.00. The Tribal Bison Project Proposal summaries that detail the ITBC member Tribes projects and financial needs are on file with ITBC and available for your review.

IV. ITBC GOALS & INITIATIVES

The goal of ITBC is restoration of buffalo to Indian lands for Tribes to utilize in their day to day lives in a manner that promotes sustainable economic development. ITBC's ultimate goal is for Tribal buffalo herds to achieve sustainability and become a daily part of Tribal life through an increased presence in the diets of Tribal members.

Economic Development

In 1991, seven Indian Tribes had small buffalo herds numbering less than 1,600 animals. The buffalo provided little or no economic benefit to the Tribal owners. ITBC has proven extremely successful at buffalo restoration in its 19 years of existence. Today, with the support and technical assistance of ITBC and its fellow member Tribes, 57 Indian Tribes are engaged in raising buffalo or developing plans to raise buffalo and incorporate them into their daily lives. ITBC and the member Tribes have restored approximately 15,000 buffalo back to Tribal lands for use by the Tribes and their members.

Many of these Tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step towards self sufficiency. Because of the depressed economies on the Reservations, jobs are scarce. Buffalo restoration efforts on the Reservations have created hundreds of direct and indirect jobs relating to buffalo management and production. As a result, a significant amount of revenue derived from buffalo products circulates through Indian Reservation economies.

However, Tribes must have the resources to build solid foundations for this new industry to become fully self sufficient and maintain sustainable buffalo herds. ITBC provides critical technical assistance to member Tribes that have developed sustainable management and infrastructure development plans. Additionally, ITBC provides training curriculum for the newly created jobs and marketing plans as Tribal herds reach marketing capabilities. ITBC has commenced implementation of a marketing initiative to provide member Tribes with viable marketing options for utilization of buffalo as economic development efforts. This marketing initiative is in an infancy stage and renewed funding is critical to achieve success.

Tribal Buffalo Marketing Initiative

ITBC member Tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the Reservations means having to transport buffalo long distances to processing plants and this results in higher operating costs. The quality of meat is also negatively impacted by introducing an increased amount of stress on the buffalo. Further compounding the problem is the reluctance of some processing plants to process range fed buffalo and the requirements of some buyers that animals be corn finished in a feedlot situation. Some buyers also require USDA certification which means USDA inspected processing plants must be used which increases transport time. ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of Tribal buffalo herds.

ITBC has assisted the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community in northern Montana with the development of a meat packing facility acquired by the Tribe in Malta, Montana. They have also begun to operate a smoke house in addition to the packing plant. ITBC has assisted the Cheyenne River Sioux Tribe in South Dakota with operation of their meat packing facility. ITBC has provided assistance to the Ponca Tribe of Nebraska for a tannery that the Tribe has started to produce brain tanned hides. ITBC is currently providing buffalo for the USDA AMS solicitation for ground bison for inclusion in the Food Distribution Program for Indian Reservations (FDPIR). ITBC believes the creation of locally driven, regional marketing plans will help to overcome the remoteness of the Reservations. Tribally owned processing plants would decrease the transportation time and increased cold storage capacity would also be very beneficial to ensuring a consistent supply of product for marketing ventures. ITBC will provide technical assistance in the areas of meat processing, cold storage facility development, processing plant enhancement, development of distribution and supply systems for buffalo meat and by-products and development of a cooperative brand name with standards and labeling guarantees for Native American produced buffalo.

Preventive Health Care Initiative

ITBC is committed to providing buffalo meat to Indian Reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food to reintroduce into the diets of Native American populations. Current research indicates that the diet of most Indian Reservation families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardiovascular disease and other diet related illnesses.

ITBC member Tribes has just commenced preventive health care initiatives with FY 2006 funding that provided easy access to buffalo meat on Indian Reservations and educated Indian families on the health benefits of range fed buffalo meat. The decrease in funding led to the elimination of the majority of the program with only the educational program still in existence. A restoration of the funds will allow the program to operate at the FY 2006 level.

Generally, buffalo meat is not sold in small quantities at the Reservation grocery and convenience stores which leaves Indian families with few alternatives to the high fat,

high cholesterol, processed meats stocked in Reservation stores. Buffalo meat if available is usually priced out of the affordable price range of the Tribal families. ITBC seeks to remedy this concern by providing buffalo meat in family sized quantities to Reservation markets and interact with the federal food programs. ITBC will work with federal food programs to make buffalo meat available through the local school systems and local community health networks working on addressing diabetes and other health issues.

V. CONCLUSION

In 2012 ITBC will have been in existence for 20 years assisting its member Tribes to restore buffalo to their native lands for cultural purposes and working towards economic development for herd sustainability. ITBC will continue to provide technical assistance and funding to its member Tribes to facilitate the development of sustainable buffalo herds.

ITBC and its member Tribes have created a new Reservation industry, Tribal buffalo production, resulting in new money for Reservation economies. In addition, ITBC continues to support methods to market buffalo meat by providing easy access to meat on the Reservations and education efforts about the health benefits buffalo meat can bring to the Native diet. The ultimate goal is to restore the Tribal herds to a size large enough to support the local health needs of the Tribal members and also generate revenue through a cooperative marketing effort to achieve economic self sufficiency.

ITBC and its member Tribes are appreciative of past and current support from the Congress and the Administration. I urge the Committee to consider restoring ITBC funding to the level of \$3,000,000.00, which will allow ITBC to continue the restoration efforts and restore the Marketing and Health Initiative program started in FY 2006.

I would like to thank this Committee for the opportunity to present testimony and the members of ITBC invite the honorable members of the Committee to visit our Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Mr. COLE. Thank you, Mr. President. I am sorry about the misidentification a moment ago. If you guys can, there is a clock there to sort of keep an eye on. It is tough when you are as far away as you are. So we will try and make that a little bit more visible for everybody.

Mr. CARLSON. Well, we just kind of operate on Indian time anyway.

Mr. COLE. You were pretty close on. You were not very far off.

Mr. CARLSON. Last time I was here testifying I walked up and I put my hat over the——

Mr. COLE. Simpson usually makes cracks about Indian time, and I do not allow any of those when I am in the chair.

Mr. CARLSON. Well, I noticed anyway because we were way behind. It is kind of back to this time where it should have been when we were first going to have the hearing, so now they said 10:30 so I guess we are all——

Mr. COLE. We are going to blame it on Representative Berg. He was late showing up.

Mr. CARLSON. So if you have any questions, you know, I am happy to answer those.

Mr. COLE. We will. We are going to go through the testimony first so we make sure everybody has an opportunity to say what they want to, and then we will go to questions, okay?

TUESDAY, MAY 3, 2011.

OGLALA SIOUX TRIBE

WITNESS

JOHN YELLOW BIRD STEELE

Mr. STEELE. My name is John Yellow Bird Steele. I am the President of the Oglala Sioux Tribe in South Dakota. I came, Congressman, to tell you a little bit about the relationship between the United States Government and our Indian nations. I know, Mr. Cole, you are a member of the Chickasaw Nation. Ms. McCollum, you are very well-versed on our Indian issues. Mr. Simpson, I know you are pretty close to us there, but I would like to address some of the stuff that I heard a little before. The veterans. I was in Vietnam for 2 years, Vietnam veteran. And we do have a veteran clinic on Pine Ridge and a veteran homeless shelter that is full. We need more veteran homeless shelter space.

But I would say that the veterans coming from Iraq and Afghanistan are quite similar to the Vietnam veterans. The drugs that are there, not knowing who the enemy is, situations happen there. And it is very heavy on the mental part of it and coping afterwards. So those Iraqi and Afghanistan veterans are really going to need some help.

I am here today to let you know that the Pine Ridge Indian Reservation, we are quite unique. We are rural. IHS says they are the last resort, but they are our only resort. Very difficult. We have, through the past decades, been the poorest per capita income, the second poorest. In 2010, we made it up to the third poorest per capita income.

And I look at our treaties with the United States Government, this unique relationship, this political relationship, not a special interest, not a minority like Mr. Stossel says that we are freeloaders, no way. I know that you people sitting here know the difference. But I really am disturbed at being responsible for a people who just cannot make it to the healthcare facilities, and once they get there, it is very poor healthcare. And these were promised in our treaties, especially the 1868 treaty. It made all the promises, 1868 treaty that said until the grass stops growing and the river stops flowing that the Black Hills, which are sacred to us, would be ours, and then the United States Government took them.

In 1980, the United States Supreme Court says the most—case in the history of the United States is the illegal taking of the Black Hills. And I have seen where trillions of dollars worth of uranium, gold and timber have been taken out of those stolen lands. I would like to debate up to today what has happened with the Black Hills. I would like some sort of equity there. The people I represent have problems putting food on the table and doing business on reservation which is quite rural. The roads, the responsibilities the Federal Government have in education, in healthcare, in economic development, all of these are in our treaty which comes from the Constitution of the United States. They were put into law by the ratification of the Senate, two-thirds ratification. And I do not think that the United States has to date been honoring their word to those treaties because of the conditions that people in these United States have to live under. You should see my daughter's living conditions. They are deplorable. One little room that they have made to live in in a 2-inch wall trailer house have to hold water in to cook and drink, use an outhouse, raise four kids that way.

The United States, I say, I termed a phrase, inherent federal neglect. When they built up the infrastructure across the United States, they forgot about this large land base called Pine Ridge. They said that was Indian Health Service and BIA responsibility. I do not have the infrastructure there for any development to happen. It is very, very difficult. Our IRA government has been trying to work on this infrastructure for the past several, several, several decades. I am optimistic that we are going to try to catch up a little bit with the rest of America when we get this infrastructure in place, and I am optimistic that our children will have a better life than we have because we are working on all of the basics that the United States Government forgot to do or did not want to do, I do not know which. But we do need some help. And I just wanted to come say, and I know I do not have to say it to yourselves, that we have this unique relationship through the treaty that word must be honored. We go do our duty for the United States, for our country. We fight for freedom. But when we look at our people, we say the United States Government says it is deplorable how the Indians were treated in the past. They say it is not the past, it is today that they are being treated that way. Why?

Thank you for holding this hearing. I would like to have one more point is that National Congress of American Indians, National Indian Health Board, who you call to represent us and speak for us, do not know our issues back home with the large land base, with the larger populations, with the isolation, with all of our cir-

cumstances. They do not know our issues to speak to them. So we would like a place at the table, one of us from North Dakota, South Dakota, Montana, Idaho, to speak to our issues. They do not have treaties, they do not have our issues knowledgeable to speak to them.

We did form an organization called COLT. It is very, very new. It is the Coalition of Large Tribes we call ourselves. We did not say land-based, but we are going to try to get similar tribes together that have the same issues to address here to let yourselves know what they are.

[The statement of John Yellow Bird Steele follows:]

**Testimony of
The Honorable John Yellow Bird Steele, President of the Oglala Sioux Tribe
Interior Appropriations Subcommittee
United States House Committee on Appropriations
May 3, 2011**

My name is John Yellow Bird Steele and I am the President of the Oglala Sioux Tribe. On behalf of my Tribal Council and our Tribal members, I would like to thank you for allowing me this opportunity to testify on issues facing the Oglala Sioux Tribe and the United States' treaty obligations to our Tribe.

Mr. Chairman, if I were to blindfold you and fly you to our reservation, the scene you would behold would make you question what third-world country you were in. The facts, Mr. Chairman, don't lie. Conditions on the Pine Ridge reservation are bad – very bad. From crime to infrastructure, housing to health, the state of our native nation is poor. We have inadequate healthcare, inadequate housing, and crime rates that the President has described as “an assault on our national conscience that we can no longer ignore.”¹ Many people are homeless, because there are not enough homes. Those lucky enough to have a roof over their head still face severe deprivations. Many of our people live in homes without electricity, running water, or proper insulation, and more than half of our citizens live under the poverty line. Unemployment is severe, economic development is needed desperately, and our people suffer from high rates of health maladies and disease. These problems are not new and they will not simply vanish. They are the result of decades of inadequate federal funding. But, I am not here for a handout. I am here to remind Congress of its legal duty to our people.

Our rights and Congress's obligations were set forth in a series of treaties from 1825 through 1868. Under the 1825 Treaty, the Oglala Band of the Teton Division of the Sioux Nation became a protectorate of the United States². In 1851, the United States recognized the seven Teton bands tribes'—which includes our tribe—title to sixty million acres of territory in the present-day states of North Dakota, South Dakota, Nebraska, Montana and Wyoming.³ However, the United States did not abide by the treaty terms. Continued westward expansion resulted in the Powder River War of 1866-1868. The war ended not in victory for either side, but in a negotiated settlement, and the signing of the Sioux Treaty of 1868.⁴ I want to be clear, the Teton tribes were never conquered; the Oglala Sioux Tribe was never conquered; it is a nation that has been at peace with the United States for 143 years.

The Sioux Treaty established a 26 million acre reservation for the “absolute and undisturbed use and occupation” of the Sioux Indian, as a permanent homeland. This reservation is commonly referred to as the “Great Sioux Reservation” which encompasses all of present day South Dakota west of the Missouri River. The 1868 Treaty recognized the remainder of the 1851 Treaty territory, about 34 million acres, as unceded territory. The Teton

¹ <http://www.whitehouse.gov/the-press-office/remarks-president-during-opening-tribal-nations-conference-interactive-discussion-w>.

² Treaty of July 2, 1825 (7 Stat. 252).

³ September 17, 1851 (11 Stat. 749).

⁴ Treaty of April 29, 1868 (15 Stat. 635).

bands' right to hunt in that territory (and westward to the summits of the Bighorn Mountains) was preserved, so long as the buffalo existed in such numbers to justify a chase.

The 1868 Treaty provided for a *quid pro quo*: by the terms of the Treaty, the United States promised to provide certain benefits and annuities to the Sioux bands each year in exchange for the Sioux not occupying their unceded territory.⁵ The congressional ratification of that Treaty cemented into law the United States' obligation to make annual congressional appropriations to the Oglala Sioux Tribe. That legal obligation of the United States, freely entered into by the President and ratified by Congress, never expired; on the contrary, it continues to this day. This fact was so recognized by the Indian Claims Commission: "the [1868] treaty was an attempt by the United States to obtain peace on the best terms possible," and the United States promised to provide "goods and services" to the tribes.⁶ These "goods and services" include, but are not limited to, congressional appropriations for such things as medical care, education, economic development, law enforcement and safe buildings.

Congressional double-crossing was almost immediate. Recognizing that the Buffalo were the life blood of the Indians, Congressman James Throckmorton of Texas "believed that 'it would be a great step forward in the civilization of the Indians and the preservation of peace on the border if there was not a buffalo in existence.'"⁷ In 1877, Congress passed the Black Hills Act,⁸ in which Congress illegally took possession of the Black Hills portion of the Great Sioux Reservation in violation of the 1868 Treaty. In 1877, Congress purported to ratify and confirm an earlier "agreement" between the United States and the Teton bands. When the United States could not obtain the required number of signatures, namely three-fourths of the adult male Indians interested or occupying the reservation, as required by Article 12 of the 1868 Treaty, Congress enacted the agreement anyway. The Oglala Sioux Tribe does not recognize the legality of this Act.

Although the Oglala Sioux Tribe has not, and does not, consent to the illegal confiscation of the 7.3 million acre Black Hills territory and the Sioux hunting rights under the 1877 Act, and rejects all payment by the Court of Claims or otherwise for the Black Hills, there is little doubt that the United States has, and still continues to occupy and utilize that Sioux territory. Because of this, the Sioux tribes are entitled to monetary compensation for the denial of their "absolute and undisturbed" rights under the 1868 Treaty to occupy and utilize those lands, and for the damages done to that property.

While the Oglala Sioux Tribe rejects the 1877 Act as illegal, the language of the 1877 Act is still a relevant guide to gage the compensation owed to the Sioux tribes under

⁵ The Indian Claims Commission clearly found that the Sioux who executed this treaty did not understand that they were ceding any territory to the United States: "Nowhere in the history leading up to the treaty negotiations themselves is there any indication that the United States was seeking a land cession or that the Sioux were willing to consent to one. *On the contrary, the evidence is overwhelming that the Sioux would never have signed the treaty had they thought they were ceding any land to the United States* We conclude as a matter of law that the goods and services promised by the United States under the 1868 treaty were not intended by the Sioux (or by the government negotiators) to be consideration for any Sioux Lands." *Sioux Tribe v. United States*, 42 Ind. Cl. Comm. 214 (1978) (emphasis added).

⁶ *Sioux Tribe v. United States*, 42 Ind. Cl. Comm. 214 (1978).

⁷ <http://www.pbs.org/wnet/nature/episodes/american-buffalo-spirit-of-a-nation/introduction/2183/>.

⁸ 1877 Black Hills Act, February 28, 1877, 19 Stat. 254.

the 1868 Treaty. There are three articles in the 1877 Act that have been used as the “standard” for the *quid pro quo* that the United States must provide to the Sioux (even though the Sioux are not acquiescing to the illegal confiscation of the Black Hills and their hunting rights).

Article 5 of the 1877 Act provides, in part, that “[in] consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, *the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts as provided for by the 1868 Treaty. . . . [and] to provide the said Indians with subsistence consisting of a ration for each individual . . . or in lieu of said articles the equivalent thereof . . . until the Indians are able to support themselves*” (emphasis added).

Second, Article 8 mandated that “[t]he provisions of the said treaty of 1868, except as herein modified, shall continue in full force, and, with the provisions of this agreement, shall apply to any country which may hereafter be occupied by the said Indians as a home; and Congress *shall, by appropriate legislation, secure to them an orderly government; they shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person, and life*” (emphasis added).

Last, Article 9 provided that “[t]he Indians, parties to this agreement, do hereby solemnly pledge themselves . . . [to] maintain peace with the citizens and Government of the United States; that they will observe the laws thereof and loyally endeavor to fulfill all the obligations assumed by them under the treaty of 1868 and the present agreement, and to this end will, *whenever requested by the President of the United States, select so many suitable men from each band to co-operate with him in maintaining order and peace on the reservation as the President may deem necessary, who shall receive such compensation for their services as Congress may provide*” (emphasis added).

Payment of treaty obligations under the 1868 Treaty has historically been accomplished by direct congressional appropriations.⁹ Further, the benefits owed to the Oglala Sioux Tribe under its treaties and the standard established by the 1877 Act are in large part incorporated under the Snyder Act, 25 U.S.C. Sec. 13,¹⁰ as well as through some direct appropriations under authorization acts such as the Mni Wiconi Act,¹¹ the Higher Education Act of 1965,¹² and under the Indian Law Enforcement Reform Act,¹³ which provides for federally funded law enforcement under the Snyder Act.

⁹ For example, the Appropriations Act of March 2, 1934 (48 Stat., 362) provided in part as follows:

Fulfilling treaties with Indians: For the purpose of discharging obligations of the United States under treaties and agreements with various tribes and bands of Indians as follows: Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota (articles 8 and 13, treaty of April 29, 1868, 15 Stat., p. 635, and Act of February 28, 1877, 19 Stat., p. 254), \$401,200.

¹⁰ 25 U.S.C. Sec. 13 (“The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States for the following purposes: . . .”).

¹¹ P.L. 100-516; 102 Stat. 2566, as amended.

¹² 25 U.S.C. § 1001.

¹³ 25 U.S.C. § 2808.

Treaty Obligations Must Be Honored Through the Budget and Appropriations Process.

It is the position of the Oglala Sioux Tribe that the United States has lost sight of the fact that certain Indian tribes including the Oglala Sioux Tribe are entitled to benefits under treaties and agreements made in legal exchange for the rights that those tribes lost when the treaties were signed. The promises made by past Administrations and Congresses, who wrote their obligations into law through the ratification of Treaties, must be followed during the development and implementation of budget requests and congressional appropriations. The formulas that the United States uses to provide Trust benefits to Indian tribes should, but fail to provide separate additional benefits to fulfill treaty obligations. The appropriations that the tribes are requesting are not discretionary payments or earmarks; they are instead the fulfillment of the legal and moral obligations of the United States, which arose as a direct result of congressional ratification of those treaties.

Unfortunately, the members of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation suffer from some of the worst socio-economic indicators in the United States. There are an estimated 5,000 gang members in 39 gangs terrifying residents and committing all sorts of crimes in the Pine Ridge reservation.¹⁴ Life expectancy is 45 for men and 51 for women on our land. The Pine Ridge Indian Health Service (IHS) hospital is so understaffed and underfunded that it was ultimately placed under a Directed Plan of Action by the Center for Medicare Services (CMS) in December 2010. Just to meet recognized standards of care, the hospital needs an additional \$20 million in funding.

The infrastructure deficit on our land is deplorable. Many of our people are still waiting for the day when their homes have running water and electricity, let alone high-speed internet service. Overall, there are more than a billion dollars of needed improvements and repairs, alone.

To go into greater detail about all the calamities facing our people would take days, if not weeks. But, I want to reiterate: we are not looking for a hand-out. We want to help ourselves. The Oglala Sioux Tribe already works hard to raise the quality of life for tribal members and to improve conditions on the Pine Ridge Reservation. We, however, must have adequate resources to fulfill our obligations to our own people, resources that your predecessors promised us in the treaties. In formulating this year's appropriations, we can do nothing less than demand that the United States live up to its treaty obligations and fully fund all needed projects and improvements for our people.

¹⁴ Erick Eckholm, Gang Violence Grows on an Indian Reservation, N.Y. Times, A 14, December 14, 2009, available at <http://www.nytimes.com/2009/12/14/us/14gangs.html>.

Mr. COLE. Thank you for your testimony. I am sure we will be back to visit.

Mr. STEELE. Thank you for your time.

Mr. COLE. Thank you.

TUESDAY, MAY 3, 2011.

STANDING ROCK SIOUX TRIBE

WITNESS

DAVE ARCHAMBAULT II

Mr. ARCHAMBAULT. Thank you, President Steele. I just want to thank the Committee for giving me the opportunity to testify in this federal process. It is needed, and I hope that this continues so that you can hear the words such as President Steele's.

What I see today is kind of a movement in Indian Country towards this decolonization, but the only way that we can achieve this is if we can continue to get the adequate funding. Currently we are inadequately funded in several areas.

I will just start by introducing myself. I kind of got ahead of myself. My name is Dave Archambault. I am a member of the Standing Rock Sioux Tribe, and I am honored to provide testimony for the Standing Rock people.

Our tribe is approximately 2.3 million acres. That is about the size of Connecticut. We straddle both North and South Dakota, one of the unique tribes that has two states that we deal with. Our lands are along the Missouri River, and some of our best lands were taken from us in the past, just recently, in the 1944 Flood Control Act, relocated us from our precious, our best grounds along the river to hilltops. And it is hard to describe the impact that it had on us. There is a lot of social issues as a result. There is high unemployment rates, there is high poverty, just several problems relating to this man-made event.

There is a lot of benefits from this though also, and the people who benefit from this are the U.S. citizens in the area, how they benefited from it, from the low cost power supply that they get from Western Area Power Association. But you have to remember, in order to gain that benefit, there was a cost paid, a sacrifice made, and it is still paid today.

We do have a lot of representation in our military throughout the country. There is a high population in there, so I just want to remind you of these occurrences. We are a treaty tribe. We do have treaties, and we did uphold our end of the treaties for almost 200 years now since we entered into these contracts. Our end has been upheld with great sacrifices, and the reason why I am here is to ask that you take that into consideration and remember that as you go through this 2012 budgeting process.

I just want to say that we at Standing Rock support the education needs that need to be met, public safety needs. And you have been hearing testimony about that, throughout Indian Country, the healthcare needs and the infrastructure needs that are there. And if you can provide the adequate funding that is needed, then you will see this development that is desired throughout In-

dian Country. And it is a movement toward the decolonization that we have been experiencing for a time now.

We support the United Tribes Technical College. It is an exceptional institution that provides education for our young adults once they finish high school. We support Johnson-O'Malley. We have public funded schools, and we have tribal grant schools. We have both within our boundaries, and we need that continued funding for those students who attend the public schools through Johnson-O'Malley.

For public safety and law enforcement, we have experienced an increase with the help—of police officers, but we are feared that we do not want to take resources from other tribes. And we are feared that we are going to lose that public safety, the police officers, with budget cuts. There is a need throughout Indian Country of 1,800 police officers, and we need to assure that that is attained.

We support everything for IHS, our healthcare services. Throughout Indian Country we experience high diabetes, heart disease, as the gentleman has said earlier. But it is very personal for each and every one of us. It is in our households, our relatives, our families all see it. And we do provide healthcare, but at Standing Rock we only provide the minimal services, and we depend a lot on contract services. So I ask that you make sure that the contract dollars and the request that the Administration made of \$408 million be preserved.

Infrastructure, roads, we do not have the infrastructure in order for the economies to flourish. So we ask that you keep the infrastructure in place.

And I just want to thank you for your time in allowing me to testify.

[The statement of Dave Archambault II follows:]

**Testimony of Dave Archambault, II, Tribal Councilman
Standing Rock Sioux Tribe
House Appropriations Subcommittee
On Interior and Related Agencies
May 3, 2011**

On behalf of the Standing Rock Sioux Tribe, I am pleased to submit testimony concerning the President's FY 2012 budget for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). I want to express my appreciation to this Subcommittee for its strong support of Indian tribes. I would like to focus my remarks on education, public safety, health care, and infrastructure.

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, including 1.4 million acres of trust land owned by the Tribe or Tribal members. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. The Tribe's primary industry is cattle ranching and farming. We are remote, rural Indian reservation.

As Congress addresses the needs of the Indian country in light of the Budget deficit, I would urge you to consider three fundamental questions. First, what is the impact of funding Indian programs on jobs? While Indian tribes like Standing Rock are often among the largest employers in their areas, unemployment in Indian country remains at levels that are unimaginable elsewhere. Federal investments in education, public safety, and infrastructure in Indian country are crucial to providing jobs in these chronically high unemployment areas.

Second, what kind of country are we? The federal government has a special trust obligation to Indian tribes, arising from the Constitution, treaties and other documents. Much has been promised to Indian tribes in return for the loss of our lands. Are we a country that keeps its promises? Maintaining needed funding for programs aiding Indian country is one way to demonstrate the integrity of the United States in honoring its commitments.

Third, is it fair to limit the debate on the Budget to only discretionary spending? Certainly not. The only way to fairly address the Budget deficit is to put everything on the table. Social security, Medicare, tax reform and other key issues need to be included. It is simply not right to undermine necessary programs for Indian country, while the major reasons for the Budget deficit remain unaddressed. With these questions in mind, we turn to Standing Rock's specific recommendations.

In the Nineteenth Century, the Sioux Nation ceded millions of acres of land to the United States. But as recently as the 1950's, the United States Army Corps of Engineers flooded more than 56,000 acres of prime Tribal farmland on the Standing Rock Sioux Reservation to create the Oahe Dam to increase navigation along the lower Missouri River and to provide cheap hydro-electric power to the north-central United States. Tens of millions of Americans benefit from the Oahe Dam, but it brought great hardship to our Tribe. These hardships continue to this day.

The Oahe Dam devastated our Tribe. It displaced more than 25% of our reservation's population. We lost our best farmland and are still working to reclaim irrigable lands on our reservation. The creation of Lake Oahe further isolated our reservation. It established over a 100 mile transportation barrier from Bismarck, North Dakota to Mobridge, South Dakota, where the first

bridge crossing over the Missouri River south of Bismarck is located. Our rural location and lack of infrastructure (roads, safe drinking water, sewers, and electricity) contribute to the economic challenges our Tribe faces. But working in partnership with the United States and our neighbors, we can turn challenges into opportunities for economic growth and job creation.

The Tribe is working steadily to expand opportunities for economic development to provide jobs for our members and improve the standard of living on our Reservation. We operate the Standing Rock Farms, a Parts-on-Demand operation, two modest Tribal casinos, and a sand and gravel operation which helps us supplement services and programs for our more than 14,000 enrolled members. A few retailers also operate businesses on our Reservation. Despite the measures we are taking at the local level to improve living conditions on our reservation, we have persistent unemployment above 50%, and a high dropout rate among our high school students. Over 40% of Indian families on our reservation live in poverty. Yet, the Administration has proposed cutting discretionary spending for the BIA by \$118.9 million or 4.5% over the FY 2010 enacted level.

EDUCATION – Native Americans are poorly represented in colleges across the country. Investment in Indian education – at every level – is critical to the future success of our children.

Scholarships and Adult Education (+\$32.0 mil.) – I recommend that Congress double the funding for the BIA Scholarship and Adult Education Program by \$32 million. Our Tribe has provided \$3 million in Tribal funds over three years to support a scholarship program to provide over 300 students with grants of between \$3,000-\$3,500/semester which allow them to pursue degrees from accredited colleges, universities and vocational schools. BIA financed scholarships total about \$500,000 per year. This meets 25% of our need. The Adult Education component enables adults to obtain their GED or the required skills needed to transition to a community college or job placement.

UTTC – I urge the Committee to fully fund the United Tribes Technical College, which is an exceptional institution that serves many of our tribal members and provides a sound education.

Johnson O'Malley Act (+\$11.0 mil.) – I urge Congress to Increase funding for the Johnson O'Malley Act program to \$24.3 million to address the unique educational and cultural needs of Native children attending public schools (an increase of \$11 million above the Administration's request). JOM was funded at \$24 million in 1994. JOM is a critical program that fully involves local communities and Native parents in the education of our children.

PUBLIC SAFETY NEEDS – Living conditions on Standing Rock are difficult. According to recent federal statistics (2010), over 1,163 reservation households on Standing Rock had family incomes between 30%-80% of median family income in the area. On the North Dakota portion of our reservation (Sioux County, ND), the median family income is \$27,473. This figure is 57% of North Dakota's overall median family income of \$47,898. On the South Dakota portion of our reservation (Corson County, SD), the median family income is \$27,591. This figure is about 59% of the South Dakota average median family income of \$46,244. On Standing Rock, 485 households, or 42% of our least well off households, earn 30% of median family income.

We have far too few BIA public safety officers patrolling our eight districts and small communities on our 2.3 million acre reservation. Police officers in Indian country are our primary first

responders. BIA equipment and technology are outdated, including police cruisers, radios and communications infrastructure. We do not have access to computerized law enforcement statistics.

In the spring and summer of 2008, following the deaths of several Tribal members, at our request and with the help of our Congressional delegation, the BIA began "Operation Dakota Peacekeeper" as part of the Interior Department's Safe Indian Communities initiative to reduce crime, target illegal drug activities and provide much needed investigative support to prosecute domestic violence and crimes against children. A total of 56 BIA officers were detailed from their reservations to Standing Rock over a seven month period.

Operation Dakota Peacekeeper more than quadrupled our normal BIA Police force. Before the surge, we had only ten BIA public safety officer positions filled. This was enough for two officers per 24-hour shift to patrol a 2.3 million acre reservation encompassing four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000 residents. The public safety surge was an overwhelming success. Tribal elders felt safe in their homes and began to leave their doors unlocked and windows open at night. It also highlighted the glaring need for greater numbers of patrol and other public safety personnel on our reservation.

Congress enacted and President Obama signed the Tribal Law and Order Act (TLOA) in law which creates a number of important mandates to strengthen tribal courts and justice systems.

Criminal Investigations and Police Services (+25 mil.) - In order for the Administration to fully implement the TLOA and to address the shortfall of more than 1,800 police officers in Indian country cited in a 2006 GAP report, we encourage Congress to increase funding for Criminal Investigations and Police Services to \$215 million, or \$25 million above the 2.2% increase (\$4.2 mil.) proposed by the Administration above the FY 2010 enacted level of \$185 million.

Detention/Corrections (+15 mil.) – Until the BIA addresses the shortages of corrections officers cited in the 2006 GAP report and to implement requirements of the TLOA, we recommend that Congress increase funding for BIA-funded detention/corrections by \$15 million above the Administration's proposed budget of \$85 million.

Tribal Courts (\$+20 mil.) – We urge Congress to increase the modest funding of \$25 million appropriated for the Tribal Courts Program. Our Tribe cannot effectively carry out criminal proceedings, let alone civil cases, with our small BIA allocation, even when heavily subsidized by the Tribe. Our Tribal courts are crowded, cramped and outdated and limit our ability to administer a comprehensive criminal justice system on the Reservation.

Facilities, Operation & Maintenance (+\$5.0 mil.) – We urge Congress to add an additional \$5 million to the BIA-funded Public Safety and Justice's Facility, Operation and Maintenance budget of \$13.7 million. Adequate maintenance and repair is essential to extend the useful life of facility infrastructure and make needed repairs until Indian tribes can invest in adequate infrastructure for Tribal Courts, Police Stations, and detention facilities.

HEALTH CARE – The majority of our Tribal elders continue to suffer from diabetes, heart disease and hypertension. Accidents are the leading cause of death among our members. On the North Dakota portion of our reservation, 6.6% of our tribal members are age 65 and older. In

North Dakota generally, 14.7% are age 65 and older (more than double our figure). On the South Dakota portion of our reservation, 9.6% of our tribal members are age 65 and older. In South Dakota generally, this figure is 14.5%, more than fifty percent higher than on our reservation. More is needed to serve our elders properly. All our members deserve the opportunity to live full and productive lives and compete successfully in today's global economy.

We are pleased to see the Administration acknowledge the large health disparity that exists between Native Americans and the rest of the population. The FY 2012 funding of \$4.166 billion for IHS Services is recognition that Indian country still has a long way to go to improve the health of our members. Far too many of our members live with debilitating diseases and illnesses that shorten their lives. We urge the Committee to protect the Administration's proposed increase of \$508 million above the FY 2010 enacted level for IHS Services, which includes an increase of \$89 million for Contract Health Services (CHS) and \$63 million for Contract Support Costs. On Standing Rock, many members go without needed health care services each year because of inadequate CHS dollars. The proposed increases will better enable tribes and the IHS to implement provisions in the permanent extension of the Indian Health Care Improvement Act (IHCIA) that are designed to redress health disparities in Indian country.

TAKING CARE OF EXISTING INFRASTRUCTURE NEEDS (+ \$75 mil.) - I strongly oppose the \$1.0 million cut the Administration has proposed for the BIA Road Maintenance Program and the flat line funding this program has received over the last 20 years. The decision to underfund this program will cost taxpayers millions of dollars as tribes and the BIA must reconstruct roads far sooner due to poor road maintenance. With inadequate routine maintenance, roads which should last 20 years, last only 7-10 years. Limited to \$25 million, Tribes operating the Road Maintenance Program cannot tackle the large backlog of deferred road maintenance needs that make our roads and bridges unsafe and impede travel on our reservations. We invested \$26.5 million, which we borrowed from Wells Fargo, to reconstruct nearly 20 miles of community streets. We installed sidewalks, curbs, gutters and street lights throughout the reservation for the first time. We are struggling to maintain that investment because we expend most of our Road Maintenance funds during the winter months to pay for snow removal (labor, fuel, salt, sand, truck repairs and truck rentals, etc.) and to respond to other road emergencies such as floods.

Lack of adequate funding for Road Maintenance and new construction (IRR Program) undermine our ability to achieve every major program priority we have (public safety, health care, education, housing, and economic development). All of these programs depend on and require a modern infrastructure. Road maintenance is a public safety program. Poor road conditions contribute to the unacceptably high levels of serious injury and death on Indian Reservation Roads each year. We urge Congress to appropriate \$100 million annually for Road Maintenance Program so that we can better maintain our road systems.

ECONOMIC DEVELOPMENT – We urge the Congress to appropriate \$5 million for the BIA's Office of Indian Energy and Economic Development to help tribes build their reservation economies. Increased appropriations will allow this program to more effectively serve reservations to promote job creation and economic development we so badly need.

Thank you for providing our Tribe the opportunity to present testimony.

Mr. COLE. Thank you very much.

TUESDAY, MAY 3, 2011.

UNITED TRIBES TECHNICAL COLLEGE

WITNESSES

DAVID M. GIPP

RUSSELL M. SWAGGER

Mr. GIPP. Thank you, Mr. Chairman and members of the Subcommittee. We appreciate the opportunity to be here. My name is Dave Gipp, President at the United Tribes Technical College in Bismarck, North Dakota, as Congressman Berg pointed out. I have been coming here for a number of years, and we appreciate the past and hopefully the continued support of the Subcommittee, the Committee and the Congress.

I am a Hunkpapha Lakota from the area where my colleague and councilman from Standing Rock just presented. I am also President of United Tribes, and with me is Dr. Russell Swagger who is a graduate from United Tribes, went on and got his not only 2-year there but a 4-year master's and has completed his doctorate degree last year, and he is the Vice-President of our Institution for Campus and Student Services where we serve about 1,000 students and about 400 to 500 children on our campus as well, which I will get into later on. I would like him to perhaps also add about a minute within my time just to give you an idea of some of those things that we do.

I would just point out that many of the things that Councilman Archambault pointed out, the pillars of a good, sound community, that of education and training, economy, business, public safety, health and infrastructure needs are all the kinds of things that we are trying to do at United Tribes and have been trying to do and have been contributing back to Indian Country for the past 42 years.

We occupy an old military fort, at one time Fort Abraham Lincoln. And so we took that over. It is close to over 110 years old. And it is always very historic, of course, and we since, of course, have added other facilities to it. But we serve the American Indian family, children and adults there, about 1,000 adults, and we have three early childhood centers and we have a K-8 elementary school that we do within our whole effort.

Our effort then is to provide training and education to the whole family as well as the individual Indian adult who comes there, and we serve up to 87 different tribes from across the Nation. Those are the kinds of things that we do.

We just completed 10 years of accreditation by the Higher Learning Commission, and we just had a very successful visit with them, informally, I cannot announce it publically as they say, but we look forward to some of the very sound recommendations that they are going to give us for the next 10 years.

We anticipate that we will move also and keep the existing 25 or so 2-year and 1-year certificate and degree programs but also will add several 4-year programs. And I mention things like sound

economy. Business administration is one of those degrees we are doing right now. The severe need for teachers in our communities throughout Indian Country. Elementary education is one of those 4-year degrees. We already do a 2-year early childhood degree program, and we are in the area of public safety, criminal justice. Our request then speaks to three different things, about \$6.4 million for United Tribes and Navajo Technical College which is located on the Navajo Nation. Those two schools share and appropriation that comes through the Department of Interior.

Second, one-time forward funding for those two institutions, which would be about \$5 million if we were able to do that to get us in a more advantageous position of being able to have continuity in our operations.

Third, I mentioned the issue of public safety, and that is an issue that we have garnered from our various tribes, the 16 tribes in a three or actually a four- or five-state area supporting us for doing an American Indian Northern Plains academy in the area of law enforcement because of the severe shortages that Councilman Archambault pointed out, nearly 1,800 slots that are unfilled in law enforcement throughout the Bureau of Indian Affairs and throughout Indian Country. We think we can provide more training and education that is so crucial for good, sound public safety in our tribal communities. You cannot have a good, sound community unless you have good assurances of that safety in community. You are not going to attract good business if you do not have public safety. The same with education and on down the line.

Those are the three fundamental things that I would speak to, Mr. Chairman. We have a very important role in our community, and we work very closely with our tribes. Our board is comprised of tribal chairs and others who sit on our board and directly control and direct what we do as far as our curriculum goes.

I am going to ask Dr. Swagger to at least summarize some of the things that I think are so crucial to what we do.

[The statement of David Gipp follows:]

UNITED TRIBES TECHNICAL COLLEGE

3315 University Drive
Bismarck, North Dakota 58504
701-255-3285

Presented before the House Interior, Environment and Related Agencies
Appropriations Subcommittee

David M. Gipp, President

May 3, 2011

For 42 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished, high risk Indian students from throughout the nation. We are governed by the five tribes located wholly or in part in North Dakota. We are not part of the North Dakota state college system and do not have a tax base or state-appropriated funds on which to rely. We have consistently had excellent retention and placement rates and are a fully accredited institution. *Bureau of Indian Education funds represent about half of our operating budget and provide for our core instructional programs.* These funds are authorized under Title V of the Tribally Controlled Colleges and Universities Act. The requests of the UTTC Board for the FY 2012 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) budgets are:

- \$6.4 million in BIE funding for UTTC for our Indian Self-Determination Act contract, which is \$2 million over the FY 2010 enacted level and the President's FY 2012 request. This is our base funding.
- One-time funding to forward fund United Tribes Technical College and Navajo Technical College who were inadvertently left out of the forward funding of the tribal colleges in FY 2010. We estimate the cost to be \$5 million.(BIE funding)
- \$4.375 million toward Phase I of a planned Northern Plains Indian Police Academy located at UTTC. (BIA funding)

Base Funding. UTTC administers its BIE funding under an Indian Self-Determination Act agreement, and has done so for 34 years. Funds requested above the FY 2010 level are needed to: 1) maintain 100 year-old education buildings and 50 year-old housing stock for students; 2) upgrade technology capabilities; 3) provide adequate salaries for faculty and staff (who have not received a cost of living increase for the past two years and who are in the bottom quartile of salary for comparable positions elsewhere); and 4) fund program and curriculum improvements, including at least three four-year degree programs.

Acquisition of additional base funding is critical as UTTC has more than tripled its number of students within the past eight years while actual base funding for educational services, including Carl Perkins Act funding, have not increased commensurately (increased from \$6 million to \$8 million for the two programs combined). Our BIE funding provides a base level of support while allowing the college to compete for desperately needed discretionary contracts and grants leading to additional resources annually for the college's programs and support services.

Forward Funding. There was a *glitch in the FY 2010 appropriations process* which resulted in UTTC (and Navajo Technical College or NTC) not receiving BIE forward funding. There is authority for forward funding for tribal colleges under the Tribally Controlled Colleges and Universities Act, 25 USC 1810(b)(1) and (2). This authority applies to all colleges funded under that Act, including UTTC and NTC. When the Administration requested \$50 million for forward funding its FY 2010 budget, they asked for it under the line item of "tribally controlled colleges and universities" – that line item includes 26 tribally controlled colleges. However, UTTC and NTC are funded under a different line item which is "tribal technical colleges" and thus when Congress provided the requested \$50 million for forward funding, UTTC and NTC were left out of the picture.

Forward funding requires a *one-time* extra appropriation of three-quarters of a year's funding; hence, *we are requesting, in addition to our regular FY 2012 appropriation, \$3,330,750 in the FY 2012 appropriations bill to forward fund United Tribes Technical College.* (75% of \$4,441,000, the FY 2010 BIE appropriation for UTTC, is \$3,330,750). The total BIE FY 2010 appropriation for "tribal technical colleges" was \$6,669,000 (\$4,441,000 for UTTC and \$2,228,000 for NTC). *To forward fund both institutions would require \$5,001,750 in addition to the regular FY 2012 appropriation.*

Northern Plains Indian Law Enforcement Academy. We have been working toward the establishment of a police training academy on our campus. We have done this with the encouragement of our Congressional delegation and tribes, especially those in the Northern Plains. Toward that end we signed a Memorandum of Understanding in 2008 with the BIA and the American Indian Higher Education Consortium to provide supplemental in-service training to BIA and tribal police officers as maybe agreed upon by the BIA.

In FY 2010, \$250,000 was appropriated to the BIA and designated as special initiative of the Indian Police Academy (IPA) in New Mexico to work with UTTC on law enforcement training matters. This is just the beginning of what is really needed. The only Indian police academy now is in Artesia, New Mexico which, while doing excellent work, can train only 3 classes of 50 persons annually. The BIA estimates that tribal police officers are staffed at only 58 percent of need, indicating that the need for police officers in Indian Country is far greater than can be supplied just by the IPA in Artesia. To satisfy that need, the BIA needs to establish a full-fledged law enforcement academy in the Northern Plains. An academy at UTTC would allow tribal people in the Plains areas a more affordable choice of training locations, minimizing the distance and long separation of trainees from their families. Our campus has many built-in services and resources to meet the needs of trainees.

Our request of \$4.375 million is for Phase I of the police academy facility, which will include the basic building for instruction of 35,000 square feet, enough to train up to 165 law enforcement officers per year. We have entered into discussions with federal, local and state officials to ensure the facility and the training we offer will meet all requisite standards, and to coordinate what portion of the facility should be placed at UTTC and which portions may be placed elsewhere, in order to share the cost.

FOURTEEN MORE THINGS WE WANT YOU TO KNOW ABOUT UTTC: We have:

- A dedication to providing an educational setting that is geared to the full range of student needs, thus enhancing chances for success – educational, cultural, necessary life skills.
- Services including campus security, a Child Development Center, family literacy program, wellness center, area transportation, K-8 elementary school, tutoring, counseling, and family and single student housing.
- A semester completion rate of 80-90%.
- A graduate placement rate of 94% (placement into jobs and higher education).
- A projected return on federal investment of 20-1 (2005 study).
- Unrestricted accreditation from the North Central Association of Colleges and Schools.
- Over 30% of our graduates move on to four-year or advanced degree institutions.
- A student body representing 87 tribes who come mostly from high-poverty, high unemployment tribal nations in the Great Plains; many students have children or dependents.
- 81% of undergraduate students receive Pell Grants, the highest percentage of Pell Grant recipients of any North Dakota college.
- 21 two-year degree programs, eight 1-year certificates and 3 bachelor degree programs pending final accreditation this Spring.
- An expanding curricula to meet job-training needs for growing fields including law enforcement, energy auditing and health information management. We have also broadened our on-line program offerings.
- A critical role in the regional economy. Our presence brings \$31.8 million annually to the economy of the Bismarck region.
- A workforce of over 300 people.
- An award-winning annual powwow which last year had participants from 70+ tribes, featuring over 1500 dancers and drummers, and drawing over 20,000 spectators. We annually feature indigenous dance groups from other countries.

The Duplication or Overlapping Issue. The General Accounting Office in March of this year issued two reports regarding federal programs which may have similar or overlapping services or objectives (GAO-11-474R and GAO-11-318SP). Funding from the BIE and the Department of Education's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. *The full GAO report did not recommend defunding these programs; rather, consolidation of these programs was recommended to save administrative costs.* We are not in disagreement about possible consolidation of our funding sources, so long as program funds are not cut.

BIE funds represent about 54% of UTTC's core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. *It takes both sources of funding to frugally maintain the institution.* In fact, even these combined sources do not provide the resources necessary to operate and maintain the college. Therefore, UTTC actively seeks alternative funding to assist with academic programming, deferred maintenance of its physical plant and scholarship assistance, among other things.

Secondly, as mentioned, UTTC and other tribally-chartered colleges are not part of state educational systems and do not receive state-appropriated general operational funds for their Indian students. The need for postsecondary career and technical education in Indian Country is so great and the funding so small, that there is little chance for duplicative funding.

There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level—UTTC and NTC. Combined, these institutions received less than \$15 million in FY 2010 federal funds (\$8 million from Perkins; \$7 million from the BIE). That is not an excessive amount of money for two campus-based institutions who offer a broad (and expanding) array of programs geared toward the educational and cultural needs of their students and toward job-producing skills.

UTTC offers services that are catered to the needs of our students, many of whom are first generation college attendees and many of whom come to us needing remedial education. We also provide services for the children and dependents of our students. Although BIE and Section 117 funds do not pay for remedial education services, UTTC must make this investment with our student population through other sources of funding to ensure they succeed at the postsecondary level.

Federal funding for American Indian/Alaska Native employment and training is barely one percent of the annual federal employment and training budget but has an enormous impact on the people and communities it serves.

Our Bureau of Indian Education and DOE Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive may be used for core career and technical educational programs; they are competitive, often one-time supplemental funds which help us provide the services our students need to be successful. We cannot continue operating without these funds. Thank you for your consideration of our requests.

Mr. SWAGGER. Thank you. Mr. Chairman, I think just briefly, if it were not for a place called United Tribes, I would not be in the situation that I am in right now. And I can speak for many students who come to United Tribes, too. These tribal leaders have sacrificed a lot over the years to make sure that students like myself had a place, and we continue to offer that same quality service to students. These students come from conditions where there are many hardships, and they do not even think about college as an opportunity for their future, and a place like United Tribes offers that opportunity to them. So thank you.

Mr. COLE. Thank you very much. Mr. Gipp, I just have a quick question for you, and I am sure others will have many questions. But out of curiosity, your students, as they graduate, how many remain working in Indian Country, how many go do other things? Nothing inappropriate about going someplace else, but I am just curious. We have such a challenge in terms of human capital all across Indian Country, so how many folks actually are able to stay and sort of bring their skills back?

Mr. GIPP. I would say about 70 percent have a desire to go back, and a good number of them do go back into their tribal communities. Our placement rate is about 87 to 90 percent placement, by the way. One of the realities, though, is that they need a place to go back to where there are jobs and where there is going to be a place where they can, you know, support themselves and their families. And that is why it is so important I think with some of the earlier remarks by our previous testifiers.

Mr. COLE. You sort of anticipated my follow-up which is in addition to those who go back, how many would like to but run into exactly the problem you just laid out? There just simply are not sufficient opportunities for them to return to?

Mr. GIPP. I think tribal government needs better support just in the arena of things like economic and business development, and our role is to provide those kinds of people with the training in business or small business management which we do on our campus. Sitting Bull College where Mr. Archambault is from is doing much of that kind of thing. Entrepreneurship and playing up those kinds of things are so crucial if we are going to have successful kinds of developing economies.

I look at our tribes in many respects, domestic Third World countries that need a lot of foreign aid, if you want to call it that.

Mr. COLE. I do not think it is foreign aid. Ms. McCollum.

Ms. MCCOLLUM. Thank you, and thank you all, gentlemen, for sincere, heartfelt testimony which really speaks to the responsibility that we have to work together on to make sure that all of our peoples live up to their commitments and more so on the Federal Government's side. Your commitment is, I have to say, never give up, and so I really appreciate that.

I wanted to just make one observation and then ask a question. I have been to Rosebud but I have not been to Pine Ridge. I have been looking to revisit. It has been a while, so you have kind of given me a loop around to leave the Twin Cities and visit many of the places where my mother was from in both the Dakotas. I will be visiting. But I do not know if I will get all the way over to Montana, so I have got a question for you. Although I have been to

Glendive, Sidney and Fairview a lot and a lot of fishing in Fort Peck. But a couple of questions, so I understand better what you are working on with the Bison Cooperative. I grew up in a meat packing town, okay, so people used to bring cattle into South St. Paul to slaughter. And I am going to do a lot of questions together. So you have mobile facilities. Has there been any discussion within the cooperative to transport? Maybe you do not have access to rail. Bison are a lot bigger than cattle. I would not want to be trying to get too many of them on a truck. So maybe that is why it is a mobile facility, and I just want to understand that better. And then tying in what they do at the Technical College, I know there are issues in the deer and the moose population in Wisconsin and Minnesota, and I do not know if it is spread over where you are, maybe it is an issue having chronic wasting disease and the moose are dying from some brain infection. We have no idea. So it leads me to the question of veterinary science, veterinary technicians, training for them, job opportunities.

Then the last thing I will toss at you as with these mobile slaughter vehicles, what is your relationship with FDA inspectors and all that? And so I will be seeing you gentlemen later at the schools and at your tribal areas, and I will come visit the veterans.

Mr. CARLSON. Yeah, one of the things as you know as you say was real hard to, you know, bring the animals to a slaughter facility, so we do not have presently a mobile slaughter facility. In the past there was one, it could not pass the federal requirements. So we had to make it stationary.

So it is a lot easier if we can get a mobile facility that will go out to every tribe and have them do their field kills.

I guess one of the other areas and I would refer to—to help me answer some questions on, we have had problems with the USDA inspection fee. I guess that is one of the issues that we are continuing—you know, tribes are you know, strapped for dollars anyway, and the inspection fee is one of the areas that we kind of have a problem with. We are trying to not only have the mobile slaughter facility but a regional permanent facility is kind of one of our long-term goals as to all of our tribes. And I have Majel Russell with me who is our legal person and helps in every aspect of ITBC, and I would like to have her talk to you about the inspection.

Ms. RUSSELL. Just real quickly—

Mr. COLE. And your name also for the record.

Ms. MCCOLLUM. And can you tie in how you use the funding to accomplish some of these challenges that you are describing right now?

Ms. RUSSELL. I am Majel Russell, and I am legal counsel for the Inter-Tribal Buffalo Council. The reason the mobile slaughter facility is important is that it will allow tribes to do field kills of the animals and maintain the cultural significance of killing the animals out in the field. And we are hoping that if we can get a mobile slaughter facility that USDA will approve, then it will allow us to harvest animals in the field in the cultural manner that the tribes desire and yet still have the meat approved so that we can provide it to schools and provide it to other facilities with the USDA approval.

Presently we have to transport animals to USDA facilities, and generally they want to finish those animals in the feed lot. When you finish a buffalo in a feed lot, then that is the kind of buffalo you are going to eat downtown at one of these restaurants where it is all fattened up. And you have basically diminished the health benefit of the buffalo because it has been grain fed, corn fed, and it no longer maintains the value of a healthy food.

So a mobile slaughter facility is very important to maintain the integrity of the animal that we are providing, which is a healthy grass-fed animal and also maintains the cultural slaughter for the tribes.

Let's see, you had a question about——

Ms. MCCOLLUM. That vet training because that will also tie in.

Ms. RUSSELL. Yes.

Ms. MCCOLLUM. So how would having the funding help with these issues?

Ms. RUSSELL. Having the funding would critically help us grow the buffalo industry for Indian Country. I mean, right now we are very limited, and it seems like we cannot get over a threshold where we can create more jobs. We have some jobs. We actually have been as successful with U.S. Department of Labor to have a new position of a buffalo manager. So we now have created that position. We actually have created an official position, but we need to work with the tribal colleges on training. We just have so limited funding that we provide only about \$70,000 to tribes that are part of our program just for herd development, infrastructure, water, so forth. We cannot get over that threshold. So we think with additional funding we can strategize and meet with tribal colleges to try to promote jobs and training programs and basically grow the industry.

Mr. STEELE. We wanted to get buffalo from Yellowstone Park who wants to get rid of them. They are not a brucellosis-free herd. And so they have to be quarantined for 30 days. And we are brucellosis free so that is an expense that it is very difficult for us to access those.

Mr. COLE. Mr. Chairman.

Mr. SIMPSON. Just a couple things. President Steele, thank you for your testimony. Very important that we hear that. And Councilman, you mentioned the issues that you face on the reservation, transportation being one of them. Just out of curiosity, do you share in the state gasoline tax for transportation needs on your reservation? And the reason I ask that, when I was in the state legislature, I was always trying to get the Department of Transportation to share those gasoline tax revenue with the tribes and let them do in terms of employment and stuff the maintenance on the roads and so forth.

Mr. ARCHAMBAULT. Yes, we do, but it is still inadequate. We do have a compact with the state so that we can share in those, but rather than having a compact, we would like to learn how and that is why we depend a lot on our educational institutions. But we would like to learn how to take the taxing duties of the state and do it ourselves so that we do not have to share and we do not have to have a compact and there would be more realization of benefits to the tribes rather than having a compact. Or if that cannot be

achieved, then we would like to not have a tax on a fuel within our boundaries, but that is difficult to do also.

So there are a lot of things that are brewing that we would like to pursue to probably help us with a lot of these transportation requirements and needs, maintenance of roads. We struggle all the time, and we have to depend on the Bureau through formula funding, and as a large land-based tribe, it is just not enough. And the revenue generated from the sharing of taxes by the state is not enough, and we have a shortfall every year. When a tribe does have to somehow come up with money to subsidize the maintenance of our roads, that is not always—we have to sacrifice other areas in order to just open up roads. And we live in North Dakota where we just had a snowstorm Saturday.

Mr. SIMPSON. We had one in Idaho Friday. Fortunately it was gone in about two days. You get it just after we do.

Were you going to say something?

Mr. STEELE. Yeah, we went to court with the State of South Dakota. We collect all the—tax on Pine Ridge, but it needs to go into people's driveways they call them. They can be anywhere from 100 feet to 3 miles. They have never seen a blade on them themselves. An Indian car is minus a muffler because the road has never had a blade on it. They knock out transmissions. It is very difficult. So that all goes in to trying to do these driveways to people's homes.

Mr. SIMPSON. Well, thank you all. We plan on getting out to North and South Dakota for a visit later this year.

Mr. STEELE. I do not like when Congress paints the whole United States with this Indian brush. We are unique in different ways. In South Dakota, we went through the state courts up to the State Supreme Court. The State Police cannot come onto the reservations in South Dakota, contrary to Hicks v. Nevada out of the Supreme Court. They tried to bring it to the Supreme Court, but the Supreme Court did not hear it, would not take it, and so in South Dakota, the state law enforcement tells us before they come onto our territories, and if they do not and they come try to do business, we will arrest them. That is illegal for them to do that.

But it is difficult having the full responsibility for all law enforcement, all courts, all prosecutions within our area and then not have the funding to do it.

Mr. SIMPSON. Thank you.

Mr. GIPP. Thank you, Mr. Chairman, and we certainly would appreciate any of you coming to visit us out there.

Mr. COLE. Actually, we look very much forward to doing that. I want to thank again and I want to associate myself very much with Chairman Simpson's remarks. I appreciate some of the pointed comments. They need to be made and they need to be heard, and they are certainly very, very appropriate. So thank you. My dad was a pretty old tough master sergeant. He used to have a wonderful saying that your friends are the people that tell you what you need to know, not what you want to hear. So you all said some things that needed to be said and certainly the Congress needs to hear, and we appreciate that very much.

We reconvene at 1:00, and I am going to actually try to move it along on time, but we will see. Thank you.

[Recess.]

Mr. COLE. In the interest of time so we can get back on schedule, and we apologize, the votes came very inopportunately. We are going to call folks up kind of at a panel at a time. So if we could have McCoy Oatman, Chairman of Nez Perce, Tracy "Ching" King, the President of Fort Belknap Indian Community and Roxann Smith, the Vice Chair of the—

Mr. OATMAN. Mr. Chairman.

Mr. COLE. How are you?

Mr. OATMAN. Good to see you.

Mr. COLE. Good to see you. If we can, we will just move from our left to the right, so if you would identify yourself and then go ahead and we will take all the testimony, and then we will open it up for questions.

Mr. OATMAN. Is the microphone on?

Mr. COLE. If you will press the button down there. If it has got that red light, it is on.

Mr. OATMAN. Okay.

TUESDAY, MAY 3, 2011.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

McCOY OATMAN

Mr. OATMAN. Good afternoon. My name is McCoy Oatman. I am the Chairman of the Nez Perce Tribal Executive Committee. I would like to first off start by thanking the Committee for hearing our testimony here today.

Today on behalf of the Nez Perce Tribal Executive Committee, I am here to address the Committee as it evaluates and prioritizes the spending needs of the United States regarding IHS, BIA, EPA, the Forest Service, the Fish and Wildlife Service, and I know Mike Simpson is not here but I would like to give a special thanks to him. He is from our State of Idaho for holding these important hearings. Simpson has seen in person the variety and the quality of work that the tribe does.

Mr. MORAN. We will pass that on to Mike.

Mr. COLE. We will indeed.

Mr. OATMAN. I appreciate it. So you guys have our written testimony from the tribe, and so due to time I will summarize some of the major points that we have and issues that we have.

First off, the tribe recommends increased funding for Indian Health Service including monies for contract health services and contract support costs. The tribe supports the request for at least 4.6 billion which would be an increase of 14 percent over the fiscal year 2010 funding for IHS and contract health services, and contract support costs should be funded at \$615 million. The tribe's shortfall last year for the contract support costs was 152,546, and the shortfall for all Idaho tribes is \$1.27 million.

At this time, our tribal clinic is facing a potential \$1 million to \$1.5 million shortfall for this year's budget. That is with the 5 percent budget cut that the tribe has done itself on its facility. The clinic has been in priority one status for the last three months

which, as you know, means life and limb are the only claims approved for treatment. With the low level of current funding provided by IHS, the tribe would have to double the amount normally received to its third-party billing to fill that gap, and only 35 percent of the 4,500 patients that we service have insurance.

One thing that I would like to share, too, is that I spoke with our executive director for our clinics, and one of the statements that she made to me is that our people are chronically ill. So that is something that I would like to pass along to you guys.

The tribe also requests approval for 650,000 in funding requested in fiscal year 2011 budget, BIA budget for survey work that was supposed to be done under the Snake River Basin Adjudication which the tribe, as you know, settled. This money would go to the BIA and BLM to do the survey work which is part of the agreement under the transfer of land from the Bureau of Land Management.

The tribe also recommends funding contract support costs for BIA at \$228 million for programs that the tribe administers such as law enforcement, to supplement its law enforcement program by 600,000 for the last fiscal years to compensate for the budget shortfall from BIA. The tribe recommends proper funding for BIA Endangered Species Fund, Rights Protection Fund and Tribal Management and Development Program Fund. Particularly, the Rights Protection Fund is very critical for the tribe because it helps our harvest management and also funds our conservation enforcement. It also helps the tribe work on protection—resources for on and off reservation hunting and fishing and fish production. The tribe is a natural resource tribe and has made a commitment to work to preserve, enhance those resources where funding is needed.

We also support the funding for the BIA, wildlife parks, travel priority allocations which will be covered later on in more detail by the Columbia River Inter-Tribal Fish Commission which the tribe is part of. We would also like to emphasize the tremendous amount of positive work that is done through that program. Also we request support for the Fish and Wildlife Service, travel wildlife grants which has been proposed to be eliminated under some funding scenarios. The grants are the only source of funding for many tribal wildlife programs and is only one of funding sources for the research that the tribe does on the big horn sheep.

We also request support for the work of the Forest Service, the Fish and Wildlife Service and the National Parks Service on the buffalo hunt and the Gallatin National Forest near Yellowstone National Park.

Finally, we request continued support and funding for work with the tribe with EPA through its Federal Air Rules for Reservations, more commonly known as FARR. As you may, I am not sure if you are aware, but the tribe has received a couple of awards for this program. It has been a model program through EPA, through the partnership. And the tribe continues to work on its efforts to improve water quality on the reservation, and so we would like continued funding for that through the state and travel partnership.

Lastly, as you know, the NCAI has produced a comprehensive budget request outline for Indian Country which my tribe supports, and with that I would like to thank the Committee for hearing my

testimony today, and I look forward to continue the good working relationship that we have. Thank you.
[The statement of McCoy Oatman follows:]

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**TESTIMONY OF MCCOY OATMAN
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

MAY 3, 2011 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending needs of the United States regarding IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service. I would like to give special thanks to Chairman Mike Simpson from our state of Idaho.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. Congressman Simpson has seen in person the variety and the quality of the work done by the Tribe. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance.

The National Congress of American Indians has produced a comprehensive budget request outline for Indian Country which the Tribe supports. I believe that it is a valuable tool that the Committee should use when formulating a final budget for FY12. For the purpose of today's testimony, I would like to give you a idea of some of the specific needs of the Nez Perce Tribe.

Indian Health Services

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for Indian Health Services. The request for \$4.6 Billion is an increase of 14% over the FY10 funding and is desperately needed. This equates to an increase in \$571.4 million in spending. Contract Support Cost funding should also be funded at \$615 million. The Tribe's shortfall last year for CSC was \$152,546 and the shortfall for all Idaho Tribes was \$1.27 million. Proper funding for the operations of the clinic is imperative. The Nez Perce Tribe currently

operates one health care clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health has an active patient count of 4504 patients. Our total expenditures for FY2010 were \$13,359,275. Our Contract Health Services (CHS) cost for outpatient services for FY2010 was \$3,696,827. In this fiscal year for the five months ended February 28, 2011 our total expenditures totaled \$5,822,118. Annualized for the full twelve months this will result in a cost of \$13,973,083. Our CHS cost at the end of February was \$2,002,555 and annualized would result in a total expenditure of \$4,806,132. Our revenue from I.H.S. for 2010 was \$9,884,067 and is projected for 2011 at \$9,927,580 but may be reduced to \$9.3 million and therefore we are projected to have a \$1 to \$1.5 million dollar shortfall this fiscal year.

In 2010 the Tribe expended \$3,475,208 of third party billings collected in 2010 in addition to the reserves we had from 2009. If expenditures continue as they are projected based on the first five months of FY2011, the Tribe will have to collect in third party billings \$4,045,503 with only 35% of patients having insurance. This is approximately double what the Tribe normally collects from third party billings. As a result, the Tribe has for the past three months been in priority one status for out CHS patients. This means life and limb are the claims that get approved for treatment. The Tribe has also operationally reduced its overall budget by 5%. When funding for services is rationed, patients are put on a deferred services list. Last year when I testified, the list amounted to \$1,293,434.00 in deferred health care cost. Any shortfall in funding creates a trickle-down effect in emergency and preventative patient care.

Bureau of Indian Affairs

For the FY11 budget proposal, the BIA proposed several spending recommendations for improving trust land management that were supported by the Tribe. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L. 108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Funding for those surveys has not been made to this date. The FY11 budget request called for \$695,000 for that fiscal year to begin that process. Although that amount would not cover the full cost of the surveys, it would allow the process to begin. The Tribe supports a renewal of that appropriation request in the FY12 budget that was not funded during this budget cycle.

The Tribe requests more emphasis be placed on funding for contract support costs through the BIA and that it be funded at \$228 million. The Tribe applauded the passage of the Tribal Law and Order Act and the increased emphasis on accountability in the prosecution of crime in Indian Country. However, the on the ground law enforcement still lacks proper funding. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Currently, the Nez Perce Tribe contributes \$600,000 per year to cover the shortfall in BIA funding for the Tribe's law enforcement. This funding comes from cigarette taxes levied by the Tribe. This funding is constantly under attack by the state. Addressing this shortfall in BIA funding should be a priority.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to Big Horn Sheep. The BIA Endangered Species Program provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce. It is important to understand that this funding is not for equipment but is used for job creation. The Tribe has employed two new conservation officers and an additional biologist for our programs under the funding during the last fiscal year. As mentioned with law enforcement, the Tribe has to cover and manage a large area in fisheries related activities from the Lostine River in Oregon to the South Fork of the Salmon River and a capable and adequate staff is vital to continue this work.

The Tribal Management and Development Program also needs increased funding. NCAI has recommended \$20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe. Programs such as our fisheries programs and outside groups such as the Inter-Tribal Buffalo Council rely heavily on this funding.

The Tribe supports the funding requests for the BIA Wildlife and Parks Tribal Priority Allocations that the Columbia River Inter-Tribal Fish Commission will testify about later today. This funding is allowing important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The state of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful but more work needs to be done.

Fish and Wildlife Service and Forest Service

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants account for a small pot of money that has resulted in huge returns from the Tribe's perspective. This competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. The Tribe has received funding from this grant four out of the last five years based on the quality of our research work on Big Horn Sheep. The Big Horn Sheep is a treaty resource of the Tribe that is declining rapidly within the Tribe's ceded territory. The funds from this program provide the resources to keep the research going. Funding for these grants was eliminated in some proposals for the FY11 budget. The Tribe strongly urges this committee to not eliminate this funding as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eight different national forests.

The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis.

Similarly, the Tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 5 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful and this year the Tribe harvested over 60 animals. However, there is still concern by the livestock industry over the transmission of disease by the bison and therefore a ship and slaughter program used by the state of Montana to protect domestic livestock has the potential to endanger such treaty based hunts. More funding for work and research to assist in helping the Forest Service, the Fish and Wildlife Service and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA. EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) program as a model of success but Region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the Tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the state program and is a program worthy of investment.

The Tribe was pleased to see that Administrator Lisa Jackson proposed \$1.3 billion for state and tribal partnerships in the FY11 budget. Funding for this work in FY12 would be important. In addition to the air quality program, the Tribe is currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The Tribe will be looking to the EPA for continued assistance and funding for these programs. The Tribe also relies heavily on contract support dollars for our water resource programs such as the storage tank remediation issues and watershed restoration. Deep cuts to the EPA budget would severely affect these programs. As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States but the Tribe still expects the U.S. to provide proper funding under its trust obligations.

Mr. COLE. Before we move on, just so you know, Mr. Chairman, Mr. Oatman said wonderful things about you before you arrived, but Mr. Moran and I moved that that be stricken from the record. But he did stick up for you.

Mr. SIMPSON. Thank you. I appreciate that. Good seeing you again.

Mr. COLE. If we could go on, Ms. Smith.

TUESDAY, MAY 3, 2011.

**ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK
RESERVATION**

WITNESS

ROXANN SMITH

Ms. SMITH. Good afternoon, Mr. Chairman. Good afternoon. My name is Roxann Smith, and I am the Vice Chairman of Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation in Montana. Our reservation is located in the northeastern part of the State, and we have had so much snow this winter, you would not believe. We had over 80 inches of snow in my little area, and we have gone through so much money in the area of snow removal. And so it has tapped into our reserves at the tribe. So everybody is telling me, if you can put a plug in there for any emergency funding for snow removal, please do so.

With that being said, our reservation is approximately 43 percent of our people live at below poverty which is not unusual for Indian reservations. And with that comes some of our requests.

We are asking that Congress would increase appropriations for the IHS for healthcare for Native Americans, especially in the area of mental health funding, hospitals and clinics funding and contract healthcare.

During the 2009–2010 school year, five of our school children committed suicide, and that is a plague that we have had at Fort Peck. I was out here earlier this year with Senator Dorgan, and he had a summit on suicide. And I myself have lost a son to suicide, and so I know the trauma and the devastating effects it has on families. And so with that, I implore you that, you know, if you could continue to put funding behind IHS because that will in turn help in the area of mental health.

Another scourge that plagues our community is diabetes, and in the previous funding request, Fort Peck had asked for an appropriations in the area of dialysis, and that got scratched. It was I think considered an earmark, and we would like to see if Congress would please help us to build upon the existing dialysis unit that we have. Currently we are at capacity with the idea we are guessing that we have an additional 73 to 100 pre-renal diabetics that are going to be needing dialysis. And we not only serve our native population but we serve all of northeastern Montana. So it serves everybody, and it is not just a Native American service.

I am trying to rush through this, too. Health status of the community is directly related to the quality of water which is why Fort Peck tribes took the lead in building the Fort Peck Reservation

Rural Water System where we are—I just had a tour of it recently with Mr. Echo Hawk came out to visit our tribe, and we took him out on a tour and things are going along very well. However, one of the areas that we are wishing to ask for assistance on is the O&M charges for bringing the water to Poplar. One of the wells actually was contaminated now with the brine water, and we have shut down those wells, and we are actually piping in water from some external wells. So we are really in dire need there for funding that water will bring—we are concentrating on Poplar initially and then eventually it is going to reach all of the northeastern part of the state. We are needing about an additional \$800,000 to operate the project.

Another critical area is the public safety on our reservations. I want to support the \$11.4 million request to fund operations of the newly constructed detention facilities. The Fort Peck tribes received \$1 million from the Department of Justice to rebuild our detention facilities, and this is critical in our ability to operate this facility. We actually broke ground last fall, and they are in the process of working on that, all of the construction, now.

Finally I would like to end by talking about economic development and the need to improve and streamline oil and gas development on the reservations. Specifically I urge the Committee to find efforts to plug abandoned wells on trust lands. Currently there are five wells on the Fort Peck Reservation that need to be plugged at an average of \$80,000 a well. The BIA failed to fulfill its trust responsibility to ensure that the operators plugged these wells. Now we are left with this environmental threat.

Finally, I urge the Subcommittee to support efforts to streamline oil and gas development efforts on the federal trust land. Due to the ridiculous bureaucratic maze that oil development companies face, they elect to avoid important oil development opportunities on reservations for less certain opportunities off reservations. And with that, that concludes my report.

[The statement of Roxann Smith follows:]

**TESTIMONY OF ROXANN SMITH, VICE CHAIRWOMAN
ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
May 3, 2011**

On behalf of the Fort Peck Tribes, I am pleased to present testimony on the FY 2012 BIA, IHS and EPA Budget. We are a large, land-based tribe. The Fort Peck Reservation encompasses 2.09 million acres. The Reservation population is growing and our Tribal enrollment is approximately 12,500 members. Our greatest need is health care, public safety, infrastructure and education.

The Tribes' unemployment rate on the Reservation is 56%. Of our Tribal members who are working, approximately 43% live below the poverty level. Given the enormous unemployment and poverty rates on the Reservation, our needs for both Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs and services are substantial.

The United States has a continuing trust responsibility to assist Tribes to address the basic governmental services such as safe drinking water, public safety and healthcare. More than 20 years ago, an earlier Congress noted that when there is community stability – with core governmental services being met – “Indian tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets.” If the Federal government could provide greater assistance to us with these core governmental services, our members would be so much better off.

To be clear, the appropriation of funds for Tribal Governments is not a discretionary act, rather these appropriations represent the United States' fulfillment of its mandatory obligation under the Treaties and Agreements entered into with Tribal governments.

I. Indian Health Service

Indian country continues to suffer higher rates of infant mortality, suicide, accident, alcoholism, diabetes, and heart disease when compared with other minorities and the general American population. Yet money directed to health care, especially preventative care – such as routine checkups and health education that clearly improves the quality of life and helps avoid more expensive health care costs in the future – has not been provided to Tribal communities. The Federal government has a trust responsibility to provide health care to Native Americans, an obligation that was paid for by the Native people of this country with millions of acres of land, resources, and our traditional way of life.

We are particularly concerned about the IHS mismanagement of the limited resources that are made available to the Agency. We encourage the appropriators to examine the root of this mismanagement and to encourage the IHS to engage with Tribes with regard to this

investigation and to provide us with the information that we need to be assured that these limited resources are properly accounted for.

A. Mental Health. During the 2009-2010 school year, five of our middle school children committed suicide, and twenty more of our children have tried. Since October, 2010, two more teenagers committed suicide, including the seventeen year-old son of our former Vice-Chairwoman and several more throughout our Reservation have reportedly tried. Further, between April 2009-April 2010, we had 153 suicide related calls to the law enforcement agencies serving the Reservation. According to recent testimony before the Senate Committee on Indian Affairs, the IHS reported that suicide is the second leading cause of death for Indian youth ages 15-24 and that suicides in this age group make-up 64% of all suicides throughout Indian country.

A loss of a life is tragic in any circumstance, but when this loss happens because a young person cannot see the promise of tomorrow and the hope for a better future, it is not only tragic; it is catastrophic. It is Catastrophic for not only the family involved, but the entire Reservation. These young people are the Fort Peck Tribes' future. Addressing suicide requires a multi-prong effort that includes all aspects of health, including substance abuse, mental health, spiritual health and physical health. We know that it requires quick intervention and involvement by all parts of our community from the health professionals, social service agencies, schools, Tribal government, and the families. We don't need anymore reports to tell us this. We need the resources to carryout this work. We urge the Subcommittee to continue to support mental health and suicide prevention programs to respond to this devastating crisis in Indian Country.

B. Fort Peck Dialysis Center. There is a desperate need for fully staffed and equipped health facilities capable of providing a full range of medical services. The IHS needs to evaluate and plan the process for new in-patient facilities in Montana, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients six days a week. We have an additional 73-100 pre-renal patients. If we cannot expand our services, these patients will have to travel long distances for this life-sustaining care. The reauthorization of the Indian Health Care Improvement Act now allows the Indian Health Service to dedicate resources to dialysis, which is an important aspect of health care in Indian communities. I request that the Subcommittee direct the Indian Health Service to report to Congress on its efforts in the area of diabetes treatment and dialysis.

C. Contract Health. We recognize the significance of the requested \$169.3 million increase in Contract Health Care but this increase is inadequate to address the growing health care crisis in Indian country. The Fort Peck Tribes alone need a near doubling of our inadequate Contract Health Care budget – to \$11 million – to meet the growing health demands of our more than 11,000 tribal members. Far too many members are not referred out for Contract Health Care Services that their primary health care professionals determine are medically necessary because we are at life or limb stage treatment.

Currently, the IHS does not refer people with insurance out for necessary medical care, because the IHS does not want to pay the minimal co-pays or deductible for these services.

Thus, people do not get care until it reaches the critical "life or limb" stage of necessity at which this point the IHS would still only have to pay the minimal co-pay or deductible. It would seem that it would be a far better health policy decision to pay the co-pay or deductible long before the health situation has arisen to a life or limb crisis. Yet, the IHS will not reconsider its interpretation of the payor-of-last resort policy to allow for these sound health policy decisions to be made.

II. Bureau of Indian Affairs

A. The Fort Peck Reservation Rural Water System. The health status of a community is directly related to the quality of water available, which is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System, a system that will provide quality drinking water to the Reservation and surrounding communities.

Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure a safe and adequate drinking water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation and maintenance of the water system is to be fully paid for by the BIA. The Tribes and the Bureau of Reclamation have completed construction of many components of this \$200 million project, including the raw water intake facility and will soon complete the water treatment facility. This Water Treatment facility coming on-line this year is vital, as the EPA has determined that the wells that now provide water to the City of Poplar, the seat of tribal government, home to the BIA and IHS agency and the location of the Poplar schools, is contaminated by a brine plume.

While the BIA budget includes \$200,000 for the O&M of this important project, more funding is needed. The BIA is well aware that the O&M costs would rise as the water treatment plant came on line and the Project begins to deliver water to most of the residents on the Reservation. To date the Federal Government has invested \$100 million, to construct this vitally needed project. We now need the Department of the Interior to provide adequate operational funds to ensure that this \$100 million investment does not go to waste. Thus, an additional \$800,000 is needed to fully operate the Fort Peck Reservation Rural Water System.

B. Funding for Public Safety and Detention. The need for increased law enforcement and Tribal Courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases Congress has recently provided for public safety programs. These increases, however, are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. Our Reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for Tribal Courts. Congress should ensure that the \$20 million proposed increase in law enforcement funding for FY 2012 translates into more officers on the Fort Peck Reservation.

For the period April, 2009-April 2010, there were 17,353 calls for service to the law enforcement agencies serving the Fort Peck Reservation. These calls include driving under the influence (852) aggravated assault (78); sexual assault (142), and domestic violence (462). The Fort Peck Police Department has fourteen officers. This is more than fifty percent below what is considered necessary for adequate coverage for a community the size of Fort Peck. This means

that in most instances when our officers respond to a call they are doing so alone. This places our officers in grave danger, as these circumstances are frequently scenes that involve violence, alcohol or other substances. Thus, while we appreciate the requested increase in funding, emphasis must continue to be placed on ensuring that Tribal law enforcement programs have the resources that they need to keep our communities safe.

I want to particularly support the \$11.4 million requested to fund the operations of the newly constructed detention facilities. The Fort Peck Tribes received a \$1.0 million grant from the Department of Justice to rebuild our detention facilities. We have entered into a contract with the BIA for the operation of this newly expanded facility and are excited. We have broken ground and will be operational in FY 2012. This new facility will allow us to better house and care for our prisoners close to their families and the community support that they need to become productive members of our society again.

III. Contract Support Costs.

The Fort Peck Tribes operate fourteen programs through Indian Self-Determination Act Contracts and grants with the Bureau of Indian Affairs and the Indian Health Service. The fundamental goal of the Indian Self-Determination Act is to empower Tribal governments to operate federal programs to better meet the needs of the people living on the Reservation. After more than thirty years, it is well documented that Tribes have taken up the challenge and are fulfilling the goals of the Indian Self-Determination and Assistance Act. The Act requires that Tribes must have at least as much money as the Federal Government had to operate these programs. Importantly, this includes the administrative costs, which are called Contract Support Costs ("CSC"). Currently, however these costs are not fully funded. At Fort Peck alone we have a \$627,000 shortfall in contract support funding, which means we are forced to use program funds to cover these necessary administrative costs. While we are pleased that Congress and the Administration have provided significant increases for CSC in the last two years, it is important that this trend continue.

IV. Environment

Finally, I want to express the Tribes' strong support for the increased funding for Tribal environmental programs. Specifically, I urge the Subcommittee to support the \$71 million for the Tribal General Assistance Program and the \$20 million for a new initiative to fund Tribal multimedia programs to better implement environmental programs on Tribal lands. The Fort Peck Tribes were one of the first Tribes in the country to obtain Treatment as a State Status under the Clean Water Act and one of the first to obtain Class I air designation for our Reservation. For the Fort Peck Tribes, protecting the land and resources that our ancestors fought so hard to preserve for us is our paramount mission. We work closely with our federal and State partners to accomplish this goal and appreciate the continuing support of Congress for these efforts.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

Mr. COLE. Thank you very much. Mr. King.

TUESDAY, MAY 3, 2011.

FORT BELKNAP INDIAN COMMUNITY

WITNESS

TRACY "CHING" KING

Mr. KING. Thank you, Mr. Chairman, members of the Committee. My name is Tracy "Ching" King. I serve as the President of the Assiniboine and Gros Ventre in Northcentral Montana where, like Vice President Smith said, we had a hard winter. I think the past 3 years we started the end of October, first part of November and upwards of 50 to 60 below zero with wind chill factor of 66 to 70 below. And so our resources have been drained that helps our people keep warm, like the low energy assistance. And our tribes have thrown in helping people to heat their homes, and it is very important to keep their homes. Many of them are veterans of the war, like myself. I come from a war veterans—tribal leaders, and I had a daughter that was capturing insurgents back in 2004, and a nephew who was wounded over in Iraq in '03, and then my daughter was—I did not know if she was dead or alive when Mosul was hit back before Christmas.

So my family proudly served this country and my brother was left for dead in Vietnam and an uncle killed in World War II. So there is a lot of history of veterans that probably served our country. And so we still have a code talker from the Assiniboine Tribe that is still alive today and many prisoners of the wars. And so we are very proud that their people have served, and it is a big honor for me to be part of that.

With that, we have many issues like the Vice President said, you know, suicide is rampant, and it has to do with a lot of the historical trauma and with the—many of us know what the—are being sued, and so my brother is part of that suit, you know. It is not fun to be part of that because he has to expose what his suicidal thoughts were. He now is an alcohol counselor for our CDC program and helps people go through that.

But education is very important to us as well, but in the State of Montana, through the impact aid, in my lifetime I will say I have never seen a child fail. But it is us who fail children, and so we really need to look at overhauling the educational system that impacts Indian Country. And I had some of those who had failed and worked on a program with some young ladies and young men that were ready to be locked up. And we had this program through the Department of Justice that was alternatives to incarceration. And the success of that is they went off to war, to Iraq and Afghanistan and became war veterans. And so there are proven ways to work with many of our youth to become successful in any job opportunities out there.

So I am hoping that we could have some mental health like Lusamsa and others that would help us to get our youth and their families help. Many of our veterans suffer from post-traumatic stress, and so we really need to look at beefing up that more to look

at ways to have them have a better life, you know, because many of them are veterans that have been in the field of World War II, Korea, and just about every conflict that there is, we have veterans there.

We also are looking at gas and oil development that we need to create jobs and look at our natural resources and ways to make some dollars through that. Our budgets through the 638 program through BIA, it appears that once the 638 contract, that the money kind of goes away or it stalemates, and we never get the increase. The distance factor, the weather factor are not really factored into the budget formulation process, as well as the cost of living and inflation are not, either. So we are actually always behind with the budgets we receive. We also are looking at a water compact settlement just like the Black Feet and the Crow Nations have settled with the Congress, we have been working on ours for a number of years and are looking at introduction of a bill. And some of those lands that were taken away from us back in 1896 were, according to the documents of the Cornell Agreement, that a lot of our people had a choice to starve or cede the land back to the government. As a result, a lot of people became rich off of that, and now there is pollution that comes on our reservation. State-of-the-art water treatment plants on the waters that go through the towns off the reservation, but there is no water system in place on Fort Belknap. So our waters are being polluted, there is a high rate of cancer and other diseases that are impacting the people of Fort Belknap. So that is a huge concern with us.

Like I said, we have our testimony here, but I want to thank the Committee for allowing us to be here and to listen to us. Thank you.

[The statement of Tracy "Ching" King follows:]

**TESTIMONY OF
Mr. Tracy 'Ching' King
President
Fort Belknap Indian Community
Fort Belknap Indian Reservation, Montana**

**BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

May 3, 2011

I am pleased to be here today to provide input for the Bureau of Indian Affairs and Indian Health Service FY2012 Budgets on behalf of the 7,000 Gros Ventre and Assiniboine tribal members of the Fort Belknap Indian Reservation located in North Central Montana.

My testimony today is directed towards the Fiscal Year 2012 Appropriations budget of the Bureau of Indian Affairs, Indian Health Service and Education programs. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-governments have proven that the federal investment in tribes pays off.

Our local tribal governments which address the concerns and needs of our local constituents have the most at stake, we are the party responsible for our citizens and ultimately the ones most accountable for the economic conditions, and protection and safety of our tribal members that reside in our reservation communities. The following information is provided to you through the Fort Belknap Indian Community Council and in collaboration with the programs funded through P. L. 93-638 programs contracted by our tribal government from each of the respective entities.

-1-

**BUREAU OF INDIAN AFFAIRS
CORRECTIONS, LAW ENFORCEMENT & TRIBAL COURTS**

Detention/Corrections

Requesting \$2,000,000. in funding for additional staffing and equipment for our detention officers working in our facility that is to be completed in July 2011. We need 18 staff members to cover rotating shifts, and operation and maintenance of the new facility and remodeled older facility. The current budget for the Fort Belknap Corrections Division is \$214,000. far less that what we need to operate a safe environment for offenders.

Law Enforcement

Requesting \$2,000,000. in funding to provide law enforcement services on the 725,000 acre reservation. Basic needs include armored vests, outdated duty weapons, replace old patrol units and updated computer technology. We currently offer inadequate salaries for our law enforcement officers. Tribal police departments cannot compete for officers that are compensated by county, state, and Bureau of Indian Affairs salaries. Once trained in BIA academies, the officers then leave for higher paying jobs which include health incentives and other benefits which attract these officers. The cost of training officers is very high as Tribes must cover their salary of the officer being trained for 12-16 weeks, and their temporary replacements that provide law enforcement services.

Tribal Courts

Requesting \$350,000. to fund needed additional staff positions such as public defenders, associate judges, and presenting officers. We also need to update computer software/data collection systems, provide staff training and update technology in our court filing system.

LAND

Tribal Land Department

Requesting \$2,000,000 to upgrade our tribal land department to develop and implement technology that would put all of the tribal leases and land holdings onto software program to make them compatible with the BIA and state departments.

ROADS MAINTENANCE

Roads Maintenance

Our roads maintenance department is responsible for the system that encompasses the 725,000 acres of our reservation. The severe Winter this year depleted the funding of this program as our snow plows and crews worked 24/7

during the storms. This department is also responsible for maintaining our road system throughout the fiscal year. This Winter we overspent the budget by \$125,000. for snow removal alone. We may not have enough funding left for regular operation and maintenance on our roads this spring and summer.

OIL & GAS & MINERALS

Gas, Oil, and Mineral Development Office

We are desperately in need of professional staff assisting the Tribal Council in developing an energy department within the tribal structure in order that we will have the expertise in the development of our tribal energy resources of gas, oil and minerals. We are requesting \$200,000 for start up funds for this endeavor.

WATER

Indian Water Rights and Water Compact Settlements

We ask that you continue to recognize the Indian Water Rights of Tribes across this country. Fort Belknap is the home of the Winters Doctrine, where Indian reserved water rights began, and is the doctrine that protects these rights beginning with the U.S. Supreme Court decision. Support for water claims in Congress now and in the future is important. We will be submitting the Fort Belknap Water Compact settlement in excess of \$500 million to Congress in the near future for funding.

Irrigation Projects & Attorney Fees

Requesting \$1,250,000 for continued operation and maintenance of the Milk River Irrigation Project that provides quality water services to area farmers and ranchers for stock and crop production. Additionally, ***we are requesting \$450,000 for Water Rights Attorney fees funding under CFR 89*** to assist the Tribal Council with litigation and assistance in submitting our water compact to Congress.

EDUCATION, EMPLOYMENT & TRAINING

Higher Education Scholarships

Higher Education Scholarship funding for Indian students are needed to attract and support individuals into the education, health other noteworthy professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members. Increase funding level by \$20 million.

Tribal College Funding

Increase the amount of funding for Fort Belknap College and tribal colleges across the nation for students receiving funding in the amount of \$8,000 per student as they currently only receive half of that amount. Other minority colleges receive funding for their students is twice that amount, and our students deserve

the same.

Employment and Training Programs

Requesting \$2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members for employment, and especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing assistance.

CONTRACTUAL SUPPORT

We request that funds be provided to the Bureau of Indian Affairs for an increase in this line item for all of the P. L. 93-638 programs that Tribes across the country need to support these programs

INDIAN HEALTH SERVICE

WATER TREATMENT PLANT

Fort Belknap requests Operation and Maintenance costs for the following public water supply operations in the reservation communities. On Fort Belknap there are five (5) different water systems that serve the communities of the Agency, Lodge Pole, and Hays. We have a total of 3,000 water users from 591 service connections and it costs \$776,498 annually to operate the system. Limited customer revenue and a small tribally paid subsidy generates \$234,610, leaving a balance of \$543,888, which the Tribe cannot afford. We are experiencing a shortage of operation and maintenance funds. ***We are requesting an annual funding amount of \$543,888.*** to pay the operation and maintenance costs of these systems.

Special Diabetes Programs for Indians & Dialysis Center for Patients

Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. ***We strongly support a funding level of \$200 million annually for SPDI for Indian Tribes*** that desperately need dialysis centers on reservations as our people have to travel great distances to receive these treatments causing great hardship to them and also a financial burden on tribes that assist dialysis patients in going to their scheduled appointments.

Substance Abuse & Mental Health Services Administration (SAMHSA)

Request that you increase the funding to SAMHSA grants to \$15 million nationwide in order that Indian tribes such as Fort Belknap can apply for these funds and services.

Indian Professionals

We fully support the Indian Health Scholarship funding for Indian students. This is a great opportunity that will assist in attracting and supporting students into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

Suicide and Methamphetamine Treatment and Prevention Initiative

We fully support the an increase to \$16.4 million for this program. We have had 1 suicide and 4 attempts this past month. But, we also want the IHS to develop and utilize a distribution plan of these funds in order that all Tribes share equally.

Mr. COLE. Thank you. I have got two sets of quick questions if I may, one relates to the oil and gas that both of you mentioned, and two questions under that category I have that I would like you to address. Number one, we hear this quite often that it is much more difficult to develop oil and gas reserves or energy reserves of any kind of tribal lands than it is either even other kinds of federal lands but certainly privately held lands in the vicinity.

What are the specific things that make it more difficult bureaucratically, number one, so we could sort of begin to get at that so you could use your resources in the way you choose to. And number two, you mentioned five or six wells that had not been appropriately capped by the people that were operating them. Are those companies that are still in existence that we could go back on? Honestly, they have a responsibility once they are finished with the production to do that themselves, and certainly that is something the BIA or somebody ought to be able to force them to do.

Ms. SMITH. As far as the capped wells, the Bureau takes a bond, you know, the part of the—are given to the Bureau, and then after so much time has elapsed, then you give it back. And what happened, there was not anybody monitoring those wells on the BIA side, so they just gave the money back to the company. So now there are these abandoned wells hanging out up in Fort Peck.

And then the first question that you had regarding the streamlining is what I am asking for is that we have EPA regulations. There is like the BLM, MMS, they all require a certain permit process, and what we are asking for is if they can somehow streamline it like they did in North Dakota. They had a one-stop-shop, and we are hoping that, you know, they can do the same sort of thing at Fort Peck because they are knocking on our doors. I mean, if you look at our map of the oil companies, they are all around the reservation. All they have to pay is \$25 to go on a non-Indian piece of land, and they have to pay \$7,500 to go onto tribal lands.

Mr. COLE. That is certainly something we ought to look at. It is not appropriate.

The other question I have, do you all have a school on your reservation, your BIE school? Okay. I'm just curious. So it is an impact aid issue with you strictly. Okay. Thank you very much. Mr. Moran.

Mr. MORAN. It is interesting, but I think you covered. I am fine.

Mr. COLE. Thank you. Mr. Chairman.

Mr. SIMPSON. No, I am fine. Thanks for being here, Chairman. I appreciate it. Sorry I missed the first of your testimony, but we get a chance to talk frequently.

Mr. COLE. Ms. McCollum.

Ms. MCCOLLUM. Thank you. Could you just elaborate a little more on the need for dialysis? I also have something for Mille Lacs Band for dialysis, especially in a rural area, and how you serve. Do you serve all the way down into Sidney, Fairview?

Ms. SMITH. We have some people that come from Circle, that area.

Ms. MCCOLLUM. Oh, my gosh.

Ms. SMITH. And they drive up—need to drive up every week, you know, for their dialysis. They come up—to poplar.

Ms. MCCOLLUM. Is the North Dakota Department of Health, are they—I mean, some of this is it is tribal but it is also a public health issue. Is the State of North Dakota trying to do anything to——

Ms. SMITH. Dialysis unit in Williston, and it is a 70-mile drive for our people to Williston to have their dialysis.

Ms. MCCOLLUM. That is where my grandmother went was Williston. And then when the weather is bad on top of it. And how often do some of the elders have to go in for dialysis, twice a week? And they are there for four to six hours?

Ms. SMITH. And then what we are looking at if we continue to see an influx of people, we are going to have to open up for a second shift of dialysis because, you know, we will have to hire more people.

Ms. MCCOLLUM. And was part of the dialysis center—I know the nations have been talking together about how to address this epidemic. Was part of what the dialysis center was going to be part about was prevention, monitoring and doing other things besides just the dialysis? It was going to have a, holistic is the wrong word, but a very broad approach to it?

Ms. SMITH. Well, just feel we need to expand our dialysis as far as I know—expand the——

Ms. MCCOLLUM. Okay. And then one other question, Mr. Chair. Some dialysis places now have almost two shifts, but the machines have to be maintained, there is cleaning in between, things like that. Is it more than one shift at your dialysis unit?

Ms. SMITH. She goes Monday through Saturday and the holiday. I think she opens at 6:00 in the morning until 6:00 at night, all day long.

Ms. MCCOLLUM. So she is at capacity. Thank you.

Mr. KING. Mr. Chairman, as far as Fort Belknap, our enrolled members have anywhere from 150-mile to 500-mile round trip, and my nephew gets up about 3:00 in the morning and probably gets done about 6:00 in the evening, and that is one of the things we were looking at is the change of diets as well as using buffalo meat to feed our people. But unfortunately, we have to pay a \$40-per-hour USDA fee, and that kind of holds us back a lot.

Mr. COLE. Well, thank you very much for your testimony, and I appreciate that. It is very helpful. If we can, we are going to move by just calling groups of people up. If we could have Mr. Whitebird, Mr. Zorn, President Maulson, Chief Rodgers and Chairman Billie.

Okay, welcome. If we can we will start at the far end and again, if you could identify yourself before you deliver your testimony, that will make it a lot easier on the clerk. Yeah, if the red light is on, it is on.

Mr. WHITEBIRD. Can you hear me?

Mr. COLE. Yeah, keep it close, though.

TUESDAY, MAY 3, 2011.

LEECH LAKE BAND OF OJIBWE**WITNESS****EUGENE “RIBS” WHITEBIRD**

Mr. WHITEBIRD. Thank you Chairman Simpson, Ranking Member Moran, representative McCollum and Congressman Cole for allowing me to testify today. My name is Ribs Whitebird. I am a member of the tribal council of Leech Lake Band of Ojibwe. Our reservation is located in northern Minnesota. My reservation has numerous needs, but today I will focus solely on the band's need to replace its high school facility at the Bug-O-Nay-Ge-Shig School. The School is administered and funded by the BIA. We estimate that the cost to replace our high school is about \$25 million. We do not understand why the U.S. can spend billions and billions of dollars on wars and foreign aid like Pakistan and Iraq but cannot build a school for Indian kids.

Under our treaty of 1855, the Leech Lake Reservation was established. The band gave up millions of acres of land. In return, the U.S. is supposed to provide for band welfare which includes providing our kids with decent and safe schools. Further, the U.S. Congress passed the Nelson Act of 1889, the Dawes Act for Minnesota, and other federal laws specific to Minnesota to take more of our land.

Logging companies wanted our—and homesteaders wanted our land for farming. In return, proceeds from land and timber share were supposed to be used for our schools. The U.S. has never met these obligations.

The school serves nearly 300 Indian children in grades K–12. The students commute to the school from working communities within a 70-mile radius. The school had won many awards for its academic achievement which is native language programs. I have also provided you with pictures of students at the school.

The elementary and middle-school facilities are in satisfactory condition, but the high school needs to be replaced. The current facility is a metal-clad pole barn. One-third of the facility was destroyed in a gas explosion in 1992. The facility has serious structural and mechanical deficiencies and lacks proper insulation. This facility does not meet safety, fire and security standards. Also, the facility has electrical problems and lacks alarm systems. Further, the building lacks a communication intercom system, telecom technologies and safe zones which puts everyone at the greatest risk during emergencies. Also, the facility jeopardizes the health of the students—indoor air quality from mold, fungus and faulty HVAC system. The facility suffers from rodents in it. Roof leaks, sagging—uneven floor, poor lighting, sewer problem, lack of handicap access and lack of classroom and other space—facility's numerous deficiencies.

Due to unsafe and undesirable condition of the high school, many students leave after middle school to attend other schools. Students are embarrassed about the condition of the high school resulting in a negative image of the school in the community and the lower enrollment rate. The high school is on the BIA list of schools in need

of replacement. The BIA has acknowledged that the school has exceeded its life expectancy by decades. By BIA categories, the high school facility has been in poor condition.

The high school is among more than 70 schools funded by the BIE that are in poor condition. BIE construction backlog is at least \$1.3 billion. There needs to be sustained funding to adjust the backlog.

We appreciate that times are tough financially. We know that \$1.3 billion is a lot of money, but our kids should not be the ones forced to shoulder the burden. \$1.3 billion is a drop in the bucket compared to what the U.S. spends every day overseas. The Administration's fiscal year 2012 budget request does not even come close to making a dent in the backlog. The administration proposes only \$52.1 million toward BIE school construction which is a cut of \$61 million from last year's enacted level. You cannot build much with that.

These funding levels are unacceptable. In fiscal year 2005, funding of BIE school construction is \$263 million. We urge the BIA to increase funding for BIE school construction, not decrease it. The lives of our children are at stake.

In conclusion, we pledge and urge the committee to help us replace our high school. The fact is simple, that the high school is not safe and should not be a place where kids go to school. With all due respect, I doubt that anyone sitting at this table will allow their children in school in this type of—facilities that our children go to school in. Chairman Simpson, if it is okay with you, I would like to provide you with a booklet of information about the school. Thank you.

[The statement of Eugene "Ribs" Whitebird follows:]

**Statement of Eugene "Ribs" Whitebird
District III Representative, Tribal Council, Leech Lake Band of Ojibwe
Leech Lake Reservation, Minnesota**

**Public Witness Hearing on Native American Issues
House Interior Appropriations Subcommittee**

May 3, 2011

My name is Ribs Whitebird, and I am a Member of the Tribal Council of the Leech Lake Band of Ojibwe located on the Leech Lake Reservation in northern Minnesota. Thank you, Chairman Simpson, Ranking Member Moran, and other Members of the Committee for holding this important hearing and for providing me the opportunity to testify today. The Band deeply appreciates this Subcommittee's efforts to protect funding for critical Indian programs in furtherance of the United States' treaty and trust responsibilities to Indian tribes and Indian people. We extend our heart-felt gratitude to you for your commitment in making sure that the United States lives up to its solemn obligations.

Even though the Leech Lake Reservation has numerous needs on which I could testify today, my testimony instead focuses solely on the Band's long struggle with the Bureau of Indian Affairs (BIA) to replace our high school facility at the Bug O Nay Ge Shig School (High School), which is administered and funded by the Bureau of Indian Education (BIE), given how dire this need is. We estimate that the cost to replace the high school facility is approximately \$25 million, which includes a 42% BIA administrative cost of \$7.4 million. We do not understand why the United States can spend billions of dollars on its many wars and also rebuild other countries, like Iraq, but is seemingly indifferent to helping children in its own country. Education is the key to the future, and we must invest in our children if the United States is to maintain its competitive edge in the world. However, when it comes to Native American and our children, the history is tragic and filled with broken promises.

First, I would like to take a moment to thank Representative McCollum and Ranking Member Moran for their efforts on this issue to urge the BIA to step up to the plate. We are deeply grateful for their support, especially given how extremely frustrated we have been by the utter lack of responsiveness of OMB and DOI in addressing this problem as well as their seeming callousness to this core fiduciary responsibility to provide adequate educational facilities for our children.

History of Indian Education

Before discussing the specific needs of the High School, I would like to briefly discuss the history of Indian education in America. As this Subcommittee is well aware, federal laws, treaties, and policies acknowledge the federal government's obligation to provide for the education of American Indian children.

After formation of the United States, Indian tribes ceded hundreds of millions of acres of our

homelands to the federal government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

Pressing Need to Replace High School Facility at Bug O Nay Ge Shig School

The Bug O Nay Ge Shig School (School) is located in Bena, Minnesota, operated by the Leech Lake Band of Ojibwe and governed by the Bug O Nay Ge Shig School Board. The School serves nearly 300 Native American children in grades K-12 who commute from 14 communities located within five counties within a 70-mile radius of the School. The School was founded in 1975 with 35 Ojibwe students from the Leech Lake Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of Ojibwe students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. Given the educational opportunities the School provides to Native American students, enrollment in the School overall has steadily increased over the years. The enrollment increase is a testament to the strong educational achievement at the school given that students typically will choose to go to other schools when school facilities, such as at the High School, are deficient and present health and safety hazards.

The elementary and middle school facilities are in satisfactory condition, but the High School is in dire need of replacement. The current High School facility is a metal-clad pole barn, formerly used as an agricultural building. One-third of the high school facility was destroyed in a gas explosion in 1992. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations.

Also, the facility jeopardizes the health of the students and faculty due to poor indoor air quality from mold, fungus, and a faulty HVAC system. The facility also suffers from rodent infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, poor lighting, sewer problems, lack of handicap access, and lack of classroom and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe and undesirable condition of the High School, many students leave after middle school to attend the public high school. Students are embarrassed about the condition of the High School, resulting in a negative image of the School in the community and a lower matriculation rate.

The High School is on the BIA's list of schools in need of replacement and has exceeded its life expectancy by decades. The BIA categorizes the high school facility as being in "poor" condition. The BIA Midwest Regional Office for the Office of Indian Education Programs compiled a report in 2007, expressing strong concerns about the electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental, Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

Further, in responding to a letter inquiring about the High School from Ranking Member Moran, BIA Assistant Secretary Larry EchoHawk stated in a letter dated February 28, 2011:

The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

The High School is among the more than 70 schools funded by the BIE that are in poor condition. DOI is working at glacial pace and has only replaced a total of 10 schools on a list of 14 schools generated over 7 years ago. Currently, DOI is engaging in a negotiated rule-making process before issuing a new priority list for school construction, which it anticipates issuing no sooner than May 1, 2012. This situation greatly alarms us because it shows that DOI does not have a plan of action to address these dire needs even though these schools have been in this condition for a long time. There is an urgent need to replace the High School, and we ask for your assistance on this, especially considering that the lives of children are at stake.

Urgent Need for Action to address BIE Construction Backlog

The discussion of the construction needs of Indian schools has been ongoing for more than a decade. Federal officials testify, point fingers, and yet nothing has been resolved. When we have met with the BIA and OMB over the past couple of years, they each tell us that it is not their agency's fault but the other agency's fault that there is no funding to replace the High School. BIA tells us that they have no money for school construction and to talk to OMB, and OMB tells us that they provide funding to BIA for construction and that BIA is not utilizing the funding effectively. At the end of the day, DOI and OMB are quick to blame each other but provide no solutions, forcing our children to shoulder the burden. Further, it is extremely difficult navigating the byzantine BIA bureaucracy and its layers to obtain school construction information.

This run-around is unacceptable. Section 7101 of Title VII of the No Child Left Behind Act (NCLB) states:

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with . . . Indian tribes . . . toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

In accordance with its obligation to Indian children, the United States must work with us to seek a solution to this problem instead of ignoring the issue and finger pointing.

We recognize that previous Administrations had a hand in creating the BIE construction backlog, which is at least \$1.3 billion; however, looking at the current Administration's funding requests since it has been in office, it seems that – despite statements to the contrary – the need to improve BIE school facilities is not a priority. The FY12 budget request for Indian school construction funding is \$52.1 million, which is a proposed cut of \$61 million from the FY10 enacted level (and FY11 CR level of \$113 million). The Administration justifies this proposed budget cut by pointing to Recovery Act funding for BIE school construction needs. However, we all know that one-time funding under the Recovery Act of \$277.7 million for BIE construction will not address the tremendous backlog and that there needs to be sustained increased funding over multiple years to truly address this need.

These cuts for Indian school construction represent a disturbing trend that spans both the Bush and Obama Administrations and both parties' control of Congress. The enacted levels for Indian school construction over the past 7 fiscal years have steadily and rapidly declined. The FY05 enacted level for Indian school construction was \$263.3 million, the FY06 enacted level was \$208.9 million, the FY07 level was \$204.9 million, the FY08 level was \$142.9 million, the FY09 level was \$128.8 million, the FY10 level was \$113 million, and as noted above, the proposed level for FY12 is an appalling \$52.1 million.

The Administration's failure to request and Congress' failure to appropriate sufficient funding for BIE school construction is unconscionable in light of recent DOI Office of Inspector General reports finding "severe deficiencies" at BIE schools that "have the potential to **seriously injure or kill students and faculty** and require immediate attention to mitigate the problems."¹ 1/3 of the 183 BIE schools are in poor condition and in significant need of repair or replacement. Of the 4,495 education buildings in the BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old, while the national average for public schools is 40 years.

Conclusion

As noted above, the United States owes our students the opportunity to attend school in a safe environment that maximizes their educational opportunities. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This affects their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

We plead and urge the Committee to work with DOI to quickly develop a comprehensive plan of action and to quickly find the funding to address the construction needs at the High School and at all other BIE schools. The federal government's responsibility for the education of Indian people is in response to specific treaty rights; and anything less than full funding of Native education programs signifies increased negligence of its trust responsibility.

¹ Department of the Interior Office of Inspector General Flash Report, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (May 2007) (emphasis added).

Mr. COLE. Thank you very much.

TUESDAY, MAY 3, 2011.

**LAC DU FLAMBEAU BAND OF LAKE SUPERIOR
CHIPPEWA**

WITNESSES

**TOM MAULSON
LARRY WAWRONOWICZ**

Mr. MAULSON. I said I was Lac Du Flambeau, Wisconsin, northern part of the State where things are cold, just as cold as Minnesota.

Mr. Chairman, madam, gentlemen, I come here as a treaty tribe, and I come here to identify that as really important that it is your obligation to me and my people back home and all the other tribal leaders that are sitting here in this here room that there is something far greater than just appropriate and making sure that our dollars are going to be affordable to us. I come here looking like we were begging you people for those particular dollars that is owed to us as Indian people. I brought with me my Natural Resource Director, Larry Wawronowicz, in reference to some of the things that he has done on our reservation in the last 25 years. You have heard the horror stories of Indian Country—and education. There is not enough dollars out there to continue that type of movement to bring our children to the forefront, to make them just as qualified or better than some people are there. We have the Bureau of Indian Affairs dollars that are needed. We got conservation programs. We have programs in our housing where we have got people standing in line almost 100 waiting for homes on our reservation. We have these same major problems in reference to making sure that our people back home in the wintertime have ample heat. We have many shortfalls. We have come to Congress many times, spent hundreds of thousands of dollars as we come in the past years to come and sit at these here tables and come to visit you all in your offices and identify our needs back home.

So I definitely as a tribal chairman of my people, I ask you to support these here endeavors that a lot of these leaders are requesting of this organization, this Congress, to make sure that, you know, that things are in place for us as Indian people out there, your fiduciary responsibility, you know, according to treaty rights.

[The statement of Tom Maulson follows:]

**TESTIMONY OF TOM MAULSON, PRESIDENT
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MAY 3, 2011**

As President of the Lac du Flambeau Tribe of Lake Superior Chippewa Indians, located in Wisconsin, I am pleased to submit this testimony, which reflects the needs and concerns of our Tribal members for the upcoming fiscal year 2012. We would like to thank the Committee, particularly this Subcommittee, for supporting Indian programs throughout the FY 2011 appropriations process. We understand Congress' concern for our country's depressed economy and that it must respond by tightening the belt of the federal government. In the face of these circumstances, we particularly appreciate the support you have shown our programs.

I. BUREAU OF INDIAN AFFAIRS

Education. The President has made education one of his core priorities nationwide. Investing in educating our children is an investment in our future. An educated workforce creates economic opportunities, allows individuals and families to be self-sufficient, and, as a whole, allows us to be competitive in national and global markets. Education is one area where a relatively small amount of investment leads to long-term savings and benefits.

Because the Tribe's children attend public schools, Johnson O'Malley funding provides the core of the Tribe's education program. In our Tribe, JOM money funds a counselor/mentor position at the local high school. This position is particularly important as our children transfer from an elementary school that is over 90% Indian to a high school in which they are the minority. We believe this rough transition is part of the reason why our native students at Lakeland Union High School have had a graduation rate of 56-61% over the last four years. While we deeply appreciate that the President's request did not cut funding for the program, we would like to take the opportunity to remind the Subcommittee that this is an important program that deserves full funding.

Higher education is even more important as the overall workforce becomes college educated. Tribal communities must continue to evolve with other communities. Higher education is needed for our children to learn the skills necessary to enter the workforce, to be innovators, and to lead our Tribal governments. President Obama has repeatedly expressed his commitment to national education programs, and in his address to Indian Country he made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." We embrace that commitment, but we want to remind you that the need for support does not lie only with high schools. Our students who want to pursue higher education need our continued support.

The Budget proposes \$2.164 million for Special Higher Education Program Scholarships to support Indian students working for graduate degrees. We strongly support the SHEP program, and are concerned that funding for it has remained flat over the last couple of years. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other post-

secondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed – students must earn graduate degrees to remain competitive. After making progress in Indian education, Indian students cannot be allowed to fall behind again because of lack of access to higher education programs.

One area of education that requires additional attention is job training and technical education. We propose an increase in adult basic education. At Lac du Flambeau, we would use any increase in this account to fund technical training at a local technical college. In the area of job training, we would use increases to double the number of scholarships for such areas as heating/ventilation/air conditioning, welding or culinary arts. This would be the training our members need to rejoin the workforce.

Natural Resources and Conservation Officers. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation. We greatly appreciate the slight increases natural resources programs have recently received.

We would like to remind Congress that, in addition to being important cultural and environmental resources for current and future generations, natural resources provide many Tribes and surrounding communities with commercial and economic opportunities. Whether Tribes use those resources to sell licenses for hunting or recreational fishing, or operate commercial fisheries, these resources often provide much needed economic resources for families and Tribes. As you all know, each and every economic opportunity today is invaluable, and should not be taken lightly. To ensure that these opportunities continue, these resources must be protected. We fear that the natural resource budget will be cut without understanding the importance they play in our economies.

One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations, and are the first line of defense for any meth labs found on or near the Reservation. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with the most important role of protecting public safety. We would like to express our thanks to President Obama for including \$1 million for Conservation Law Enforcement in his FY 2012 Budget Request. However, this amount will be divided among Tribes nationwide. We respectfully request that the amount provided for these CLEOs be increased to assist Tribes that are not able to supplement the funding be better able to administer their Conservation Law Enforcement program.

Housing Improvement Program. The HIP is a critical program for Tribes like Lac du Flambeau, providing much-needed money to renovate dilapidated housing. This is an especially

critical need in Northern Wisconsin, where substandard housing can have serious health and safety consequences in the winter, and especially at a time when President Obama has requested reduced funding for heating assistance programs. On average, Lac du Flambeau receives about \$38,000 annually – enough to improve a single home, leaving the waiting list for HIP services increasingly long each year. We are grateful that President Obama did not cut funding for this program in his FY 2012 request, but we would like to remind the Subcommittee that the current funding is already inadequate in our state, and states like it, where the average temperature from December through March is 5-10 degrees at night.

Great Lakes Indian Fish and Wildlife Commission. Related to the Tribe's natural resource needs, we would like to voice our continuing support for the **Great Lakes Indian Fish and Wildlife Commission (GLIFWC)**. The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We would also like to take this opportunity to express the need to maintain the Tribal set-aside from the Great Lakes Restoration Initiative at \$3 million.

II. Environmental Protection Agency Programs

Clean Water Program. The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems. The Lac du Flambeau Clean Water program maintains and improves water quality as development continues for the tremendous amount of surface water within the exterior boundaries of our Reservation. According to the 2000 Census, the Lac du Flambeau Reservation includes nearly one-half of all of the water area (56.34 square miles) within the Wisconsin Indian Reservations. The Tribe's GIS Program indicates that there are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. Funding to maintain clean waters on our Reservation has already decreased below the minimum required to maintain our program, and the President has proposed a cut to the national program. We ask the Subcommittee to protect funding for this program important to the health of our communities.

Clean Air. Tribal communities have the authority, through the Tribal Authority Rule, to implement Clean Air Act regulatory programs and to conduct air quality monitoring, emissions inventories, and other studies and assessments. They are eligible for funding through the Environmental Protection Agency to conduct these programs and services. However, when the EPA first increased its funding for these activities, relatively few Tribes were conducting clean air activities. This funding has remained the same, although more and more Tribes are taking over these Clean Air programs. During the past ten years, the funding as ranged between \$10.7 and \$13.3 million. As more Tribes are applying for this funding, the funds are becoming increasingly inadequate. We respectfully request that these funds are increased to assist Tribes in administering their Clean Air Act programs and activities.

III. INDIAN SELF-DETERMINATION ACT CONTRACT SUPPORT COSTS

Inflation, Cost of Living, and Fixed Costs. We fully support the increase that President Obama has requested for these contract support costs – providing an increase of \$29.4 million for the Tribal government programs, and \$63.3 million for the Indian Health Service. Again, this is a relatively small investment that will protect against a need for greater funding in the future. Under the Indian Self-Determination Act, many Tribes have assumed responsibility for providing core services to their members. If these services were provided by the federal government, employees would receive pay cost increases mandated by federal law, but Congress and Interior have historically failed to fulfill their obligation to ensure that Tribes have the same resources to carry out these functions.

One particular element of these contract support costs is the cost of health insurance, which is increasing every year. In order for us to maintain a \$10/hr employee (approximately \$20,000/yr), the Tribe faces an associated health care benefit cost of \$20,350 for a family health insurance plan. When the Tribe is forced to supplement under-funded BIA and IHS programs in order to cover these costs, direct services to our members suffer. We have less money available to provide counseling to students, collect water samples, put more officers in the field, provide basic health service, etc. Without full funding of Contract Support Cost funding, the Tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs.

IV. INDIAN HEALTH SERVICE

Contract Health. A need that is expressed to the Subcommittee every year is increased funding for the Indian Health Service, and particularly in contract health care funding. This request is constant because contract health care funding is so important to the basic health and well-being of our communities, and is historically and continually tragically underfunded. Again we would like to express our appreciation to President Obama, and this Subcommittee, for providing increases to contract health care funding over the past couple of years. I do not want this to go unappreciated. We strongly support the \$89.6 million increase for contract health services proposed for the FY 2012 Budget. However, even at this level only half of the need is being met. We would request that an additional \$118 million be provided. We believe this modest funding increase, would increase access to necessary care for a significant number of Indian people.

Dental Health. We fully support the increase that the President has requested for Dental Health. However, this increase is for Commissioned Officers' pay costs, population growth, and inflation. No increase is provided to expand services to already under-served populations. Dental services in Indian Country, like most health services, are extremely limited, and routine procedures are generally unavailable. It has been reported that only 25% of Indian people had access to dental care in 2008. While this is unacceptable in its own right, with growing evidence that dental health directly impacts the health of our hearts and cardiovascular systems, adequate dental health is necessary to protect the overall health of our communities. We respectfully request that an additional \$10 million above the President's request be provided for Dental Health.

Mr. MAULSON. I want to give my time to my Executive Director of our Natural Resources so he can identify some of the needs back home. We need jobs. We are putting people to work under these type of programs, Larry.

Mr. WAWRONOWICZ. I am Larry Wawronowicz, Natural Resource Director for the Lac du Flambeau Band. One of the things that the tribes in the Midwest area are blessed with very good natural resources. We have a lot of water, and we have a lot of land. And we have both on- and off-reservation treaty rights which we need to protect. Jim Zorn is here with the Great Lakes Indian Fish and Wildlife Commission and will talk a little bit more about the off-reservation stuff. But on-reservation management is very, very important. A lot of the Midwest tribes require to have clean air, water and land to be able to support their hunting, fishing and gathering rights. It is absolutely imperative that we do have clean air, water and land in order for us to be able to exercise treaty rights, culture, our way of life, the way we view things as native peoples. It is just so important.

Our testimony gets in specifics. Indian education is very, very important, but conservation, law enforcement funding as well as funding for EPA programs seems to be—I mean, it gives us the opportunity to have environmental presence on the reservation. In order for us to be able to develop economically, we are going to have clean air, water and land. So it is very, very important that we tie the natural resources and the ability to have clean air, water and land for us as a nation, a tribal nation, as well as a federal Nation to be able to provide economic opportunities for our citizens. I mean, it is imperative, absolutely imperative that we have those three resources, clean air, water and land.

So with that, I hope that, you know, you take the time to read our testimony. We have some specific needs and specific requests. But the bottom line is this. If we do not have clean air, water and land, we are nothing as a nation. Thank you very much for your time.

Mr. COLE. Thank you for your testimony.

TUESDAY, MAY 3, 2011.

MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

WITNESS

COLLEY BILLIE

Mr. BILLIE. I am Chairman Colley Billie from the Miccosukee Tribe of Indians of Florida. Chairman Simpson, Ranking Member Moran, and Subcommittee members, on behalf of the Miccosukee tribe of Indians of Florida, thank you for the opportunity to appear before this Subcommittee. I also wish to thank Congressman Cole and the other Members of Congress with whom I have met recently for their efforts to enact a legislative fix to address the harmful effects of the Supreme Court's decision in *Carcieri v. Salazar*. I strongly urge the Congress to take immediate action to enact a clean remedy. The longer the delay, the more Indian Country will suffer.

I have two general matters to briefly discuss this afternoon that are included in my prepared remarks, dispelling the myth that federal tribal assistance programs are no longer needed because of gaming and raise awareness about an environmental catastrophe in the making in our home, the Florida Everglades.

There is a misperception that federal tribal programs are welfare. This is not the case. Rather, they are designed to enable the Federal Government to honor its trust responsibilities arising from numerous treaties, laws, policies, agreements and practices. Without the special relationship, it would be difficult, and in the case of some types, impossible to provide assistance for the young, elder and infirmed as well as manage tribal judicial systems. Some tribes, like the Miccosukees, have gaming. Through these businesses, many tribes have been able to defeat the vicious cycle of poverty that plagues Indian Country. They help achieve significant improvements in the area of health, housing and education. Yet, even those tribes that have successful gaming businesses have been severely impacted by the global economic crisis.

I urge you to take a close look at these Federal Government commitments and make sure that they are not defunded or underfunded. If you are looking to save federal tax dollars, the Miccosukee people have the ideal project for you, a very expensive and scientifically unsound bridging project that will cause great harm to the Everglades and the Miccosukee. We must honor the Earth from where we are made is a central tenant of the Miccosukee people. Our efforts to protect the Everglades are well-documented, and our future commitment unwavering. When it comes to Everglades restoration, however, our tribe has struggled for decades to have an equal place at the table.

In 2008, the Interior Department and Army Corps of Engineers decided to build a one-mile bridge alongside U.S. highway 41. The initial price tag was \$233 million, and more bridges are supposedly planned for the Tamiami Trail. We immediately realized that this project was fiscally and scientifically unsound. Because of the lack of fulsome consultation, we were forced to go to federal court. The Judge called it, and I quote, "an environmental bridge to nowhere" and issued a temporary injunction to stop construction until all federal laws were complied with. Our victory, however, was short-lived. Unfortunately, Congress was misinformed about this decision and was mistakenly led to believe and to intervene the following year by inserting language in the 2009 Omnibus Appropriation Act that said, "Notwithstanding any other provision of law" the one-mile bridge was to be built. This section of the law violates several statutes and our Constitutional rights. We were not consulted on this matter back then, but you can do something about it today. Do not approve additional bridges. You should also order a halt to any further work on the Tamiami Trail one-mile bridge until all the federally required studies are completed and our concerns afforded meaningful consideration. By stopping construction of these Department of Interior and Army Corps skyway bridges, you would be saving the taxpayers approximately \$400 million.

There is a less expensive, safer and scientifically viable alternative supported by the tribe and experts such as the Formal Regional Commandant of the Army Corps of Engineers. This ap-

proach focuses on clearing existing culverts located underneath the road to increase water flow. Clearing the culvert is simple, cost-effective and should be tried before costly bridges damage the Everglades we are trying to restore, as well as destroy Miccosukee ancestral and sacred lands. This method is consistent with the Comprehensive Everglades Restoration plan.

Finally, the Miccosukee Tribe thanks for allowing me this opportunity to share our thoughts with you. We look forward to working with this Congress—in my language, that means thank you.

[The statement of Colley Billie follows:]

**Prepared Remarks by the Honorable Colley Billie, Chairman of the Miccosukee Tribe of
Indians of Florida Committee on Appropriations, Subcommittee on Interior, Environment,
and Related Agencies for FY2012 Appropriations
Tuesday, May 3, 2011**

Chairman Simpson, Ranking Member Moran, Subcommittee Members, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to appear before this committee to briefly discuss several issues of importance to the Miccosukee Tribe of Indians of Florida. When I was sworn in as Chairman in January 2010, I made several commitments to the Miccosukee People. I committed to good governance, protecting and enhancing our sovereignty, economic development, and environmental stewardship. As elected officials, you understand the great honor, but also the great responsibilities of leadership. As noted in my prepared remarks, we need your support in several areas related to our Tribe, Indian Country, as well as our home, the Florida Everglades. Today I am going to discuss programs at the Interior Department including the National Park Service and Bureau of Indian Affairs.

Carcieri v. Salazar Fix: Action Needed in the 112th Congress

Before I go any further, I wish to thank Representative Tom Cole, as well as the rest of this Subcommittee, for their efforts last year to try to enact a legislative fix to address the harmful effects of the U.S. Supreme Court decision, Carcieri v. Salazar. As you are aware, since 1934, the Department of Interior has construed the Indian Reorganization Act to allow the Secretary of the Interior to place lands into trust status for all federally recognized Indian tribes. The Carcieri decision has overturned this principal by not allowing the placement of lands into trust for certain Tribes. If this mistaken interpretation of the Indian Reorganization Act is not corrected, it will lead to unequal treatment of currently federally-recognized Tribes; threatening tribal sovereignty, economic self-sufficiency, and self-determination. It will also create long-term challenges to public safety and criminal jurisdiction across Indian Country, and put in serious risk important and much needed land acquisitions for schools, housing, health clinics, and protection of tribal sacred sites. On behalf of the Miccosukee People, I strongly urge the 112th Congress to take concrete and immediate steps to correct this issue. The longer you delay action, the more Indian Country will suffer.

Dispelling Myths About Federal Tribal Programs

I want to commend this Committee's oversight efforts. Your taking a closer look at the management practices of the Department of Interior, as well as regulatory overreach by the National Park Service, is necessary and long overdue. We are living in challenging economic times and, as I will discuss today, the Department of the Interior and its many bureaus are unnecessarily making every day life more difficult for the Miccosukee Tribe and the Miccosukee People. Working together, in substantive government-to-government and sovereign-to-sovereign partnership, we will begin to fix these problems through better communication and consultation. As Chairman of the Miccosukee Tribe, on behalf of the Miccosukee People, I have already met with several Members of Congress and agency officials to discuss some of these issues. But we need to do much more. And Congress, particularly, needs to step-up and do more to correct the mismanagement.

I have two issues that I would like to discuss in more detail. One, we need to dispel the myth that federal tribal assistance programs are no longer needed because of Indian Gaming. Two, I will ask for your support about an environmental catastrophe in the making in our home, the Florida Everglades. On this latter point, I am sure that it is not everyday that witnesses come before this Committee not to ask for funding, but rather to save the federal government millions of dollars. As you are all well aware, the U.S. Constitution explicitly recognizes Indian Tribes as sovereign governments. Furthermore, the U.S. has historically developed a legal policy based on federal trust responsibility towards Native Americans and Indian Tribes. In 1942, the Supreme Court held in *Seminole Nation v. United States*, that the federal government has charged itself with moral obligations of the highest responsibility and trust. The Congress has a unique and important role in this process. Nevertheless, we all know that in practice, this federal trust responsibility has not worked as well as it should.

There is a misperception in popular culture and, regrettably, among some in the Congress, that federal Tribal assistance programs are comparable to welfare. Nothing could be further from the truth. Federal Tribal assistance programs are designed and used to further assist the federal government to carry out its legal and moral duty towards Indian Country—a legally binding special relationship that the United States has voluntarily created by its actions and policies.

Some tribes, like the Miccosukee Tribe, have Indian Gaming. Through Indian Gaming, many Indian Tribes have been able to defeat the vicious cycle of poverty and economic stagnation. These enterprises help achieve significant improvements in the areas of health, housing and education. While not all Indian Tribes have Indian Gaming, even those that have successful gaming businesses have been severely affected by worldwide economic crisis.

Federal tribal assistance programs should never be considered gifts by the federal government, but rather well established commitments. Federal tribal assistance programs are simply what the word means: assistance. This program provides much needed supplemental funds for vital tribal programs for the young, elder and infirm, as well as for tribal judicial systems. The proceeds from Indian Gaming, even for those Gaming Enterprises that are very successful, are simply not enough to provide for all of these vital services.

We applaud Subcommittee efforts to maintain and increase federal funding for tribal healthcare, education, social services and other vital programs. I urge you to take a close and hard look at these programs and make sure that they are not de-funded or under-funded. The incidence of Indian Country poverty continues to be among the highest of any minority group in the United States. Federal tribal assistance programs are a critical component of the Tribes' plan to achieve self-sufficiency. Therefore, federal tribal assistance programs must be maintained at the current levels or increased. The Miccosukee People, however, recognize that in this new era of fiscal responsibility and spending restraints, there may come a time when a program needs to be de-funded. The Miccosukee People have such program for you: a very expensive, scientifically un-sound and arbitrary Interior Department bridging project that will cause great harm to the Florida Everglades and to the Miccosukee People.

Everglades Bridging, an Environmental Disaster in the Making

As many of you in this Subcommittee are aware, in addition to utilizing the proceeds from Indian Gaming to finance vital services for the community, the Miccosukee Tribe and the Miccosukee People also use these proceeds to honor and protect our sacred, religious and traditional stewardship of the land. We do this by supporting sound projects that are designed to protect and save our ancestral home, the Florida Everglades.

As the Chairman of the Miccosukee Tribe, I am humbled, but at the same time, proud to represent to you that no one in the history of the United States has done more to protect the Florida Everglades than the Miccosukee People. Our unwavering commitment to protect, save, restore and preserve the Florida Everglades is based on well-rooted historical and religious reasons. The Florida Everglades is today, as it has been for centuries, the home of the Miccosukee People. We have invested, and continue to invest, our human and economic resources in making sure that future generations of Miccosukees, Floridians, and the world will have a clean and environmentally-sound Everglades.

“We must honor the earth, from where we are made” is not a slogan but a central tenet of the Miccosukee People. When the Everglades hurt, we hurt. For years our Tribe has struggled to have an equal place at the table with regards to Everglades Restoration. As this Subcommittee well knows, the Miccosukee People’s commitment to the protection of the Florida Everglades is well-documented. Our commitment to Everglades Conservation is un-wavering.

In 2008, the Interior Department and U.S. Army Corps of Engineers decided to build a one mile-long bridge at the eastern end of the Tamiami Trail (U.S. Highway 41), which runs east to west through the Florida Everglades and the Miccosukee Tribe, connecting Miami-Dade County and Collier County. The price tag at the time was \$81 million. The Miccosukee Tribe immediately realized that this project was fiscally and scientifically unsound. We filed for a declaratory and injunctive action in Federal District Court. The Judge agreed with our arguments, labeling the project as an “environmental bridge to nowhere.” On November 13, 2008, the judge issued a temporary injunction against the project and temporarily stopped further construction until all federal laws, rules and procedures, such as the *National Environmental Policy Act*, were complied with. Unfortunately, Congress was misinformed and mistakenly led to intervene the following year.

On March 11, 2009, Congress passed the Omnibus Appropriations Act of 2009. In this Appropriations Act, language was inserted that authorized the expenditures of funds already allocated for this project and to continue construction, “notwithstanding any other provision of law.” By inserting this provision, Congress deliberately overruled the federal injunction and divested the federal courts of subject matter jurisdiction over this important matter. This legislative maneuver was done without any input from the Miccosukee Tribe, its representatives or other advisors in Florida and Washington, D.C. We believe that the “notwithstanding any other provision of law” language used to start this bridge work violates our Constitutional rights and goes against several existing federal laws including the National Environmental Policy Act (“NEPA”); Native American Graves Protection and Repatriation Act (“NAGPRA”); the American

Indian Religious Freedom Act ("AIRFA"); and the National Historic Preservation Act ("NHPA"), among others.

The Miccosukee Tribe can find no better example in recent Everglades restoration history of the dangers of misguided federal largesse and counter-productive environmental legislation than this One Mile Bridge. It symbolizes all that is wrong with an arbitrary appropriation maneuver conducted without consultation with the government and people that the legislation will affect. It is emblematic of the what the Government Accountability Office (GAO) said in 2007 about the Comprehensive Everglades Restoration Plan (CERP): there is "little assurance" that the CERP will be effective because the agencies and officials are not using any overarching sequencing criteria for the work, but rather focus on availability of funds. See South Florida Ecosystem: Restoration Is Moving Forward but Is Facing Significant Delays, Implementation Challenges, and Rising Costs (GAO-07-520, May 31, 2007).

In this One Mile Bridge project, the National Park Service and the United States Corps of Engineers have, like in previous occasions, instead of working with the Miccosukee as true partners to save the Everglades, largely ignored our ideas. The concerns of the Miccosukee People were ignored. Less expensive, safer and scientifically available alternatives supported by the Miccosukee Tribe and the former Commandant of the U.S. Army Corp of Engineers for the region were also ignored.

In January 2010, the University of Miami released a study that supports our position that a Culvert Approach will be just as effective as bridging. Under the Culvert Approach, the focus will be on clearing existing culverts, which are small tunnels or bridges under the Tamiami Trail. Also adding additional culverts where necessary, and clearing a large swale area south of each culvert. This will be accomplished following the Time Sequence Plan detailed in CERP. The Culvert Approach will save millions of dollars of taxpayers' money and will deliver the same amount of water to the Everglades National Park as the current proposal. In contrast to the elevated bridge approach represented by the One Mile Bridge, or any future bridges, the cost of the Culverts Approach will be significantly less and will potentially save the federal government close to \$400 million dollars.

We have yet to receive a detailed, verifiable cost-estimate on the One-Mile Bridge. There seems to be \$60,000,000 in the President's current budget for Mod Waters, \$8 million of which will be used for Limited Reevaluation Report (LRR) work that specifically includes the One-Mile bridge. In 2009, the FY10 Omnibus included \$234 million for NPS construction projects, including the One-Mile bridge. This Subcommittee has the power to direct the Secretary of the Interior to exercise his discretionary authority to stop construction of this One Mile Bridge and to do the required studies. This is the right thing to do from a scientific, fiscal and practical perspective. With the aforementioned in mind, no additional bridging should be authorized or appropriated by the Congress for the Florida Everglades. We strongly recommend using the Culverts Approach first while simultaneously performing all the necessary studies. Thank you for allowing me this time to share the thoughts of the Miccosukee People with you. There is much good work to be done. The Miccosukee People and I look forward to working with you.

Mr. COLE. Thank you, Mr. Chairman. Chief Rodgers.

TUESDAY, MAY 3, 2011.

CATAWBA INDIAN NATION

WITNESS

DONALD RODGERS

Mr. RODGERS. Good afternoon. I am Chief Rodgers of the Catawba Indian Nation in South Carolina, so I thank you all for allowing me to be here.

I first want to begin my testimony by expressing my appreciation for the support that this Subcommittee itself has provided the Catawba Tribe on budget and audit issues that I had to address almost 3½ years ago when I took my tenure as Chief.

With the support of Chairman Simpson, Ranking Member Moran, and Congressman Cole and the Subcommittee as a whole, the Bureau of Indian Affairs took action that allowed the Catawba to receive several millions of dollars of funds that had been allocated to the tribe we could not access, and only a month ago we were notified that a debt to the BIA that we simply could not repay was forgiven, and I want to thank you personally for that. Thank you so much.

We now have clean audits, and we are free from crippling financial liabilities. Your support then and now means a great deal to the Catawba people as a whole, and on their behalf I would like to say a heartfelt thank you for all that.

I also want to thank this Subcommittee for last year's support in seeking passage of the Carcieri fix. Early on there were suggestions that the Catawba was one of the tribes that would no longer be able to take land in the trust because of the Supreme Court's bizarre decision in *Carcieri v. Salazar*. However, Interior has recently made clear in writing that it believes the Supreme Court's decision does not directly affect the Catawba. Nonetheless, the Court decision is unfair, is already generating a growing mountain of litigation and will create jurisdictional uncertainties throughout Indian Country, and I applaud the Subcommittee's action last year to move the Carcieri fix legislation and ask that you continue to strongly advocate for this and seek for its final putting to rest this year.

As we had discussed before, the Catawba Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act, we possess what I would term second-class tribal sovereignty. For example, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls which only enjoy a modest advantage over bingo halls already established in the State.

For this reason I am here today to urge the Subcommittee to invest federal dollars in programs that support economic development for smaller tribes that have limited resources but like the Ca-

tawba are committed to becoming economically and self-sufficient to help us move forward in the future.

In the 2000 census the Catawba Indian Nation had a per capita income of just a little over \$11,000. The estimated current unemployment rate among the Catawba is more than double that of the State of South Carolina which itself is very high unemployment.

The tribe currently has no operating economic development ventures. I have highlighted in my written testimony four projects we are working to begin the process for developing a tribal economy. The first one is the Catawba market, a gas station that will create jobs and improve services on the reservation to provide much-needed assets and necessity for tribal members there located. A major road extension to provide decent and safe access to our reservation so we can open up other economic development opportunities. We had a young child go blue on our reservation about six months ago. It took an ambulance 45 minutes to get to our reservation. It is horrible thing, so this road extension is much needed.

A ride-share program to get members of our nation to jobs located throughout the surrounding area to help and assist to do that. And a summer youth program to engage in education and prevention activities for our young.

I want to also give a plug for Indian Health Service. Much-needed services are needed there, contract support and these issues. But I want to take this opportunity to thank you for allowing me to talk on behalf of Catawba Indian Nation and your support for our people and indeed for all native people is greatly appreciated and truly in the best traditions of the government relationship. And again, I say—thank you very much.

[The statement of Donald Rodgers follows:]

**Testimony of Donald Rodgers
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
Tuesday, May 3, 2011**

FY 2011 Economic Development-Related Appropriations Requests:

- **Catawba Market - \$787,500.** Office of Indian Energy and Economic Development, Bureau of Indian Affairs; or Housing and Urban Development, Economic Development Initiatives.
- **Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million.** Interior, Bureau of Indian Affairs, Indian Reservation Roads Program and Road Maintenance Program; or Transportation, Federal Transit Administration, Capital Investment Grants.
- **Catawba Indian Nation Ride Share Program - \$165,000.** Transportation, Federal Transit Administration; Buses and Bus Facilities.
- **Catawba Summer Youth Program - \$212,260.** Labor, Employment and Training Administration – Training & Employment Services.
- **Support for Carcieri Fix.**

Introduction. For the last several years, I have had the privilege of testifying before this Subcommittee. I want to begin my testimony by expressing my appreciation for the support that this Committee has provided to the Catawba Tribe as my administration has worked to address budget and audit issues that had accumulated over prior years. With the support of Chairman Simpson, Ranking Member Moran, Congressman Cole and the Committee as a whole, the Bureau of Indian Affairs took action that allowed the Catawba Tribe to receive several million dollars in funds that had been allocated to the Tribe, but that we could not access. Just two weeks ago, we have been told that a debt the Tribe had to the BIA was being forgiven – a critical step as we work towards self-sufficiency. Your support then and now means a great deal to the Catawba people and on their behalf you have our heartfelt “thank you!”

The Catawba Indian Nation takes very seriously our alliance and close relationship with the United States. Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe’s government-to-government relationship with the United States - and we will continue to do so.

Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency. I am here today to urge this Subcommittee to invest Federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are committed to achieving economic self-sufficiency. Our Settlement Act specifically refers to the “policy of the United States to promote tribal self-determination and economic self-sufficiency” and it is about fulfilling this promise

of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. As is the case with many Native American tribes, the Catawba Indian Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Indian Nation had a per capita income of just \$11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. The tribe currently has no operating economic development ventures.

In our case, the Catawba Indian Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term "second class tribal sovereignty." For example, the state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. Additionally, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls, neither of which has been in operation since the state adopted a lottery that consumes most of the gaming dollars spent in our state. It is our hope that we can reestablish one of those bingo operations in the very near future. It is also our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. We remain committed to being good citizens and good partners with the State of South Carolina, as we have been since the founding of the United States.

History of the Catawba. Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Indian Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15-mile square reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one sq. mile.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of South Carolina, did Congress act in 1993 by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims on terms highly favorable to the State of South Carolina.

FY 2012 Economic Development-Related Appropriations Requests. Although we believe that the Catawba should have the same rights as other tribes, until Congress corrects this, we are focusing our efforts on ways to develop a diverse economy within the rights we currently possess. We ask that in your funding determinations you consider in general the tribal budgets of the Federal agencies listed above which provide significant funding to smaller tribes, as well as specifically the requests that we have listed and which are set forth in greater detail below:

Catawba Market - \$787,500. The Market will be located in the State of South Carolina, in the county of York, just outside the city of Rock Hill and adjacent to the Catawba Indian Nation. The Catawba Indian Nation has already secured funds to purchase a 2-acre tract, prepare the site, and cover architectural design of a convenience store. We need additional funds to construct the building, purchase equipment, and provide for start-up costs to open the store. There is only one other similar store within a five mile radius of the reservation. The store would allow Tribal members quick access to groceries and supplies without the undue burden of traveling to get what they need. The store is on a main road that is well traveled with approximately 3900 cars per day and would also receive traffic from the local community adding to the profitability of the store. This project serves as a HUD-defined "area-benefit activity" because approximately 65% of our tribal households had an income less than 80% of the median income for the area. The area is primarily residential with no existing industrial or manufacturing entities. All of our 2, 600 Tribal members will benefit because the income generated from the future business venture will help the Tribe provide more programs or serve as matching funds for future grant opportunities. In addition, a possible convenience store on this parcel of property will provide employment and job training opportunities for several people. A convenience store could employ approximately six Cashiers, two Clerks, one Assistant Manager, and one General Manager. Eight positions could be filled with unskilled labor and there is opportunity for advancement as they learn the business.

Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million. The Dave Lyle Boulevard Extension has been a long-identified need for York County, Lancaster County and the Catawba Indian Nation. The full 9 mile project would provide a critical connection between the counties, creating an "outer loop" south of the Ballantyne portion of I-485. This entire project is estimated at \$165,088,300 including bridges, interchanges, and a 4 lane roadway for approximately 9 miles. The Catawba Indian Nation is requesting this appropriation to fund the approximately 1.5 mile portion from

the end of the current Dave Lyle to its 300 acre property off Sturgis Road, known as the Carroll Tract. The Tribe has dedicated 150 acres of this land for economic development, however access is extremely limited at this time. As the only Federally recognized Indian Tribe in the state, we unfortunately qualify as a Distressed Area, as outlined in Section 301 of the Public Works and Economic Development Act of 1965. Especially in these difficult times, the creation of construction jobs in the near future and establishing employment opportunities along the corridor in the long-run will assist in lowering unemployment and improving the quality of life of our people. In addition, improved access to our property will increase the awareness of the history and cultural heritage of the Catawbans, improving our small tourism economy.

Catawba Indian Nation Ride Share Program - \$165,000. Transportation is a primary concern for tribal members on the Catawba Reservation. A major part of the transportation problem for tribal members is getting to work. The unemployment rate on the reservation is twice that of the surrounding county. Many tribal members are unemployed because they do not have reliable transportation. Another transportation problem for tribal members is getting to appointments that they need to be at. Money to support the transit program will allow us to continue providing these services to tribal members in need.

Catawba Summer Youth Program - \$212,260. In 2009, the Tribe established a Job Training and Life Skills program with the financial assistance of Palmetto Youth Connections. This program was extremely successful, resulting in a number of the participants securing permanent work. The Tribe would like to repeat this program in 2011 and 2012, focused on 2 functional areas: First is the main function of restorative services by working with unemployed, underemployed adult tribal members ages 17 and up to obtain and retain work. The second function is to develop the preventative part by creating a program for tribal youth ages 15 - 23. By providing these services as a preventative measure for the younger population, we hope to work towards reducing the number of unemployed and underemployed adults in the years to come. If provided with this funding, the Catawba Indian Nation Vocational Program will be able to purchase curriculum, pay for stipends, job training and WorkKeys testing, hire additional staff to provide case management, and hire a part time child care staff member for youth who are parents of young children. Having child care on location will significantly reduce the cost of transportation and create a more accessible program for tribal members.

Support for Carcieri Fix. The Supreme Court's decision in *Carcieri v. Salazar* was bizarre and would be very destructive to any tribe it is applied to. Although we believe that the Catawba Indian Nation would satisfy the requirements set forth by the Supreme Court, the doubt the decision creates is harmful to our economic development efforts. We urge this Subcommittee to support the Carcieri "fix."

Conclusion. I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

Mr. COLE. Thank you very much, Chief. Mr. Zorn.

TUESDAY, MAY 3, 2011.

**GREAT LAKES INDIAN FISH AND WILDLIFE
COMMISSION**

WITNESS

JAMES ZORN

Mr. ZORN. My name is James Zorn. I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission, and on behalf of our 11 tribal nations located in Wisconsin, Minnesota and Michigan, including Mille Lacs and Fond du Lac in Minnesota and Chairman Maulson, Lac du Flambeau, we extend our appreciation for being here. And on behalf of their 38,000 tribal members who continue to enjoy the rights to hunt, fish and gather on lands that the courts have ruled were sold to the United States in various treaties but on which the tribes might continue their life ways to meet their subsistence, their economic, their cultural, their spiritual and medicinal needs, that is the nature of the Great Lakes Indian Fish and Wildlife Commission program that this body has funded for over 25 years with the support of all administrations, all Congresses of the Rights Protection Implementation program. So we are here to talk about that as well as the EPA Great Lakes Restoration Initiative.

The Commission is grateful for the fiscal year 2011 appropriations for these types of programs. They were held pretty harmless from some drastic potential cuts and the contract support increases. We greatly appreciate that, and we will do what we can to help you in fiscal year 2012 to try to achieve the same result.

And so we are here today to help remind the Committee as to why these programs are important to the tribal communities, the real-world benefits they achieve and why these are really good examples of good government programs that get the money into the hands of the tribes, where that money should go, that produce not only healthier people because they are eating traditional foods, they are engaging in traditional exercises; we are trying to get the kids off their butts and out into the woods and on the lakes to do some real activities; reviving language; support tribal economic enterprise, not only of commercial fishermen but of folks who sell wild rice, maple syrup and so on. The cost of food is high now. These foods are very expensive, and so to be able to fish, hunt and gather is very important. And the relationship to diabetes as we heard a former chair talk about for example and other diseases in tribal communities, getting back to the natives' food is very important.

So we strongly support the \$30.5 million for the Rights Protection Implementation program. I know you will hear from the Columbia River folks and Billy Frank tomorrow. They will say the same. Do not let Billy steal too much, please. GLIFWC gets about \$5.6 million of that, and you know, that is really important money because it provides the base on which we can leverage other money, including the Great Lakes Restoration Initiative. You

know, that \$5.6 million grows into \$8 million for us. We supply about 70 full-time jobs, about 140 seasonal jobs in areas that are chronically under- or unemployed. This is really important for our member tribes. We operate a comprehensive natural resource management program of biologists, of conservation officers, that provide benefits not just to the tribal communities but to the surrounding communities. For example, and we are grateful to the Administration for highlighting this in their department highlights, I think on page 64, where two of our conservation officers stumbled upon during their routine patrol duties, 150 pot plants in a state forest in northern Wisconsin. Well, you call up the local drug task force, and their line was, wait a minute. You guys know the woods. You go back out there and sit on that until the people come. Okay. So we have fully trained certified officers. We are the ones who busted the guy that came back to harvest the pot.

And so just the notion that these tribal programs benefit only Indians is fallacious. It benefits the surrounding communities. Our officers are there for everybody. They respond to auto accidents, medical emergencies. Our biologists provide fish for everybody, protect habitat for everybody.

So that is the nature of our Rights Protection Implementation program. In terms of the Great Lakes Restoration Initiative, the \$300 to \$350 million is fantastic. Thank you. We would like to push for some money there for tribes, perhaps \$25 million that is funneled through the Indian Self-Determination Act. That got to the ground quicker before the field season before any other money got out from any other agency. Let's see if we can beat that up and do better.

The youth, final sum-up. Our tribes are very committed to trying to figure out how to get Indian kids into careers, natural resource management conservation officers just out there to reconnect with their grandma and grandpa doing the things that Indian families should do. We have initiated a conservation internship program this year. We are trying to get kids out to camps early on in their lives so that they appreciate the outdoors again. We are trying to get kids back in the language programs.

So any help that you can provide in this type of area, you know, there are all sorts of initiatives we are being asked to get involved in. But the capacity for tribes to do so is greatly stretched. We have a hard enough time doing our basic job, let alone dealing with a whole bunch of new initiatives.

Thank you very much. We really appreciate the opportunity to be here.

[The statement of James Zorn follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

**• MEMBER TRIBES •****MICHIGAN**Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band**WISCONSIN**Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa**MINNESOTA**Fond du Lac Band
Mille Lacs Band**FY 2012 TESTIMONY****HOUSE COMMITTEE ON APPROPRIATIONS****SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

BY

**JAMES E. ZORN, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)****AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY****1. BIA RIGHTS PROTECTION IMPLEMENTATION:** AT LEAST \$30,451,000 (same as FY 2010 appropriation). **GLIFWC:** AT LEAST \$5,619,000 (proportionate allocation within RPI program).**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.¹**Funding Authorizations:** Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.²**2. EPA GREAT LAKES RESTORATION:** \$350,000,000. **TRIBAL NEED:** \$25,000,000. **GLIFWC NEED:** \$1,200,000 (estimated annual need).**Agency/Program Line Item:** Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.**Funding Authorizations:** Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.**GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES**

For over 25 years, Congress has funded GLIFWC in fulfillment of non-discretionary treaty obligations and associated federal court orders. GLIFWC's conservation, natural resource protection, and law enforcement programs also provide a wide range of associated public benefits and assure participation in management partnerships in Wisconsin, Michigan and Minnesota. The two elements of this funding request are:

¹ The requested BIA funds reflect GLIFWC's allocation of this line item that also funds the 1854 Treaty Authority.² The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities have been affirmed by various court decisions, including a 1999 US Supreme Court case.

1. BIA RIGHTS PROTECTION IMPLEMENTATION: AT LEAST \$30,451,000. In FY 2010, Congress provided \$30,451,000 in RPI funding, with GLIFWC's proportionate share in the amount of \$5,619,000. Due to the current uncertainty, GLIFWC's FY 2011 budget is unknown.

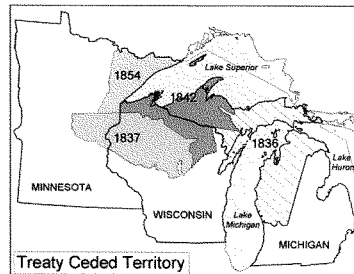
Stable funding at FY 2010 levels has allowed GLIFWC to fill vacant positions, restore some funding to tribal courts and registration stations, reinstate fish and wildlife assessments, and meet a portion of its expanding harvest monitoring requirements. It does not meet all of GLIFWC's program needs, but stable funding at this level acknowledges the current budget climate while allowing GLIFWC to meet core functions and respond to growing demands for its services. GLIFWC recently estimated the full cost of its program at approximately \$9,870,000, including: \$5,619,000 currently provided through the RPI line item, approximately \$1,800,000 provided by grants and other "soft" funding in FY 2010, and \$2,451,000 in unmet needs, including funding for research and assessments of threats to the ceded territories, for conservation enforcement officers, and to provide up-to-date public information using current technologies.

2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: \$350,000,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at the Administration's proposed FY 2012 level of \$350,000,000. It also recommends that at least \$25 million be provided to the BIA for tribes, to ensure they are able to undertake projects that contribute to the protection and restoration of the Great Lakes. Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season, allowing the early implementation of projects to realize substantial "on-the-ground" ecosystem benefits.

Sustained funding for GLIFWC at the FY10 level of approximately \$1.2 million, will enable GLIFWC to sustain jobs that will allow it to fully participate in the decision-making processes that affect the treaty rights of its member tribes, ensure that decisions are based upon sound science, and implement specific habitat and human health research projects relevant to the subsistence, economic and cultural needs of tribal communities.

CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency for eleven member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in a 3-state region. GLIFWC's mission is to: i) ensure that its member Tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act. It is governed by a Constitution ratified by its member Tribes



and by a Board composed of the Chairs of those Tribes.

GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of 65 full time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include: i) natural resource population assessments and studies, ii) harvest monitoring and reporting, iii) enforcement of tribal conservation codes in tribal courts, iv) funding for tribal courts and tribal registration/permit stations, v) development of natural resource management plans and tribal regulations, vi) negotiation and implementation of agreements with state, federal and local agencies, vii) invasive species eradication and control projects, viii) biological and scientific research, including fish contaminant testing, and ix) development and dissemination of public information materials.

JUSTIFICATION & USE OF THE REQUESTED FUNDS

For over 25 years, Congress has recognized GLIFWC as a cost-efficient agency that plays a necessary role in: i) meeting specific federal treaty and statutory obligations toward GLIFWC's member Tribes; ii) fulfilling conservation, habitat protection, and law enforcement functions required by federal court decisions affirming the Tribes' treaty rights; iii) effectively regulating harvests of natural resources shared among the treaty signatory Tribes; and iv) serving as an active partner with state, federal and local governments, with educational institutions, and with conservation organizations and other non-profit agencies.

Particularly relevant to the requested EPA funds, Tribal members rely upon treaty-protected natural resources for religious, cultural, medicinal, subsistence, and economic purposes. Their treaty rights mean little if contamination of these resources threatens their health, safety, and economy, or if the habitats supporting these resources are degraded.

With the requested stable funding base, GLIFWC will:

1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS: Although it does not meet all GLIFWC's needs, sustained funding at FY 2010 levels would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes' treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC's capability to undertake work and participate in relevant partnerships to tackle ecosystem threats, such as invasive species, habitat degradation and climate change, that harm treaty natural resources.

2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION: With the requested EPA funding base, GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers³ and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.⁴

³GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior,

3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS: Over the years, GLIFWC has become a recognized and valued partner in natural resource management, in emergency services networks, and in providing accurate information to the public. Because of its institutional experience and staff expertise, GLIFWC provides continuity and stability in interagency relationships and among its member Tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources, ii) maximize each partner's financial resources and avoid duplication of effort and costs, iii) engender cooperation rather than competition, and iv) undertake projects and achieve public benefits that no one partner could accomplish alone.

OTHER RELATED APPROPRIATIONS CONCERNS

1. Full Funding of BIA Contract Support Costs: GLIFWC seeks full funding of its contract support costs and supports the Administration's FY 2012 proposed increase of \$29.5 million from FY 2010 levels. GLIFWC anticipates its FY 2011 indirect cost shortfall to be approximately \$207,000, and this does not take into account the shortfall for all of its direct contract support costs. These shortfalls significantly inhibit GLIFWC's ability to restore program cuts and service capacity.

2. BIA Conservation Law Enforcement Officer Program: GLIFWC supports BIA's proposal for \$1 million in FY 2012 to support conservation officers like those employed by GLIFWC. This program will assist tribal conservation enforcement programs in protecting and monitoring natural resources, and may be particularly important in light of proposed cuts to the Department of Justice Community Oriented Policing Tribal Grant program.

3. BIA Circle of Flight Tribal Wetland & Waterfowl Initiative: GLIFWC supports BIA funding of the Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative for Michigan, Minnesota, and Wisconsin. The Circle of Flight program is a long-standing tribal contribution to the North American Waterfowl Management Plan that has leveraged matching partnership funding on a 3 to 1 ratio. In 2010, this program was awarded a Department of Interior "Partners in Conservation" Award.

International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

⁴ With the requested FY 2012 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal review and input on the re-negotiation of the Great Lakes Water Quality Agreement and any implementing activities; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; and v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes.

Mr. COLE. I thank all of you for your testimony. Let me make a couple of points, and then we will get into questions. Number one, a number of you mentioned the Carcieri issue and I could not agree more. But I would be remiss not to point out that we would not have gotten it through the House last year if it had not been for then-Chairman Moran and now Chairman Simpson who worked together for us to do something on this Committee. That is very unusual. That stretches our rules. I am sure we never would have violated them by legislating on an appropriations bill. But that was a very bi-partisan issue here. It was a 14 to 0 vote. I know everybody on this Committee is still committed to doing that. Mr. Kildee has a bill out there, I have got a bill that is out there, I think Mr. Young is here later today and I suspect the subject will come up, and I think he is committed. Our biggest problem quite honestly tends to be in the United States Senate on this as opposed to the House because it did get through the House, and the Administration has been very good on this. They very much want to deal with this as well. So hopefully we can have a real bipartisan effort and get that done.

I also want to point out a number of you mentioned that you had been shielded a little bit from the 2011 budget cuts. The gentleman to my right is solely responsible for that and has scars to show it. And again, Chairman Simpson and this Committee's commitment in this area on the bi-partisan basis is genuine. A number of you made really compelling cases about the education of Indian children. I do want to ask one question on that, and I could not agree more. That is a federal responsibility and it is a trust responsibility. There is no way that we have come anywhere close to fulfilling our obligations in those areas, and I do not know if you would have these figures, but I am increasingly interested any time I can to find out if you can tell us what is the expenditure per child roughly or per student in the schools that you represent. They are usually BIE schools but whatever your local school is, and then I would love to see the contrast of that with schools in the States because if there is a federal responsibility, I would think we ought to be roughly doing for the children in Indian Country what the surrounding states are doing for their children. Otherwise, I do not see how the educational opportunity can be remotely comparable.

So if you have that data, I would be very interested in you sharing it with the Committee.

Mr. WHITEBIRD. I do not know exactly what it is, but we are going to find out what it is and stuff like that because it is different from state to state and children. I think a lot of it has to do with enrollment and stuff like that in areas that we are in.

Mr. COLE. Yeah, I think it will and I think Ms. McCollum made the point earlier, taking out the transportation component, or separating it, because a lot of what you encounter on some of our reservations, obviously, the transportation expenses are enormous, and they really should not be counted directly toward the educational cost. But I am going to ask the staff on this Committee to do what they can to help us get that information because I think it is going to be quite striking when we see again how far behind the Federal Government is in its responsibilities to Indian children

versus the state and local governments in the neighboring areas. Thanks for bringing that up. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. First of all, Chairman Billie, it is interesting that you spoke about a bridge. I have a mayor from Minnesota, and we are going to be talking about a bridge and some legislation to override some of the federal protections for the St. Croix River. So thank you for your comments, and local government officials from the areas that are impacted should be consulted, and it is a shame that you were not listened to.

Mr. BILLIE. Yes, that is all we have been asking for, to give us an opportunity to be heard and to be given serious consideration to some of our concerns.

Ms. MCCOLLUM. I have one question for council member Whitebird. Ribs, when you were talking about people not wanting to attend school there and the importance of a school reflecting how we value our youth, I have had an opportunity to be at the school. Can you elaborate a little more as a council member what you hear from parents, what you hear from students and how that affects your enrollment because then when you go to count the number of students, you do not have as many students as normally would be attending a school that was in good repair.

Mr. WHITEBIRD. I go to both schools. I go to Catholic, be in a public school and talk a lot and then I go to the Bug School to associate with the students out there, like those graduations coming up now. You are hearing students talk about ashamed of the high school that is out there, you know, due to—like I said in here, we get academic awards and stuff, you know, and then they are scared to go on to any other schools, like any other kid would. You know, I would want a top-notch school instead of a pole barn building. You know, that is terrible out there.

And then I share it out into my local Indian council meetings, and I got the District II rep who is here today that he can tell them the same thing, you know, we definitely need a new high school. When other people come in there and play sports—and they got to go to that school? You know, our kids get talked about, I mean, run down at other schools. And it gets back into the community, and when it gets back into the community, it gets back to me, and how do you think I feel? There is something that has got to be done, and that is why you know, I am here testimony on hopefully that we can get something done, a new school in the near future.

And you know, we have been working on this now for about 2 years, and you know, it seems like—I want to make one point in here that I did make. You know, I think it is very important for the Appropriation Committee to look at and that is, you know, we spend billions and billions of dollars on war. If you take a good look at it, you know, I hear other Indian leaders around Indian Country say this, if we had \$1 billion of this, you know, that would help solve a lot of the Indian program, not every program, but across Indian Country.

You know, I think it is very important for the Appropriations Committee to look at, and that is, you know, we spend billions and billions of dollars on war. You know, if you take a good look at it, you know, other Indian leaders around Indian culture say this. If we had \$1 billion of this, you know, that would help us all, a lot

of the Indian program, not every program but across Indian Country. Take a good look at how much goes to the war, people we are helping out in tsunami, Japan, whatever, you know, but we are left out.

You know, we are definitely put on the back burner when we were the first ones here and I do believe, you know, that we should be treated like first-class citizens like we are supposed to be. Our treaties are broken, you know, I hear this all the time at the big meetings, NCAI and NIGA, you know, it is just a tough battle. We are one battle after another, all the Indian leaders across the Indian nation; we are all together on one. You know, we want to be back up here where we belong. Thanks for listening. Thanks for your comments, Congressman Cole, Congressman McCollum, and Simpson. You know, I heard a lot of good things here today and I hope you help us all.

Mr. COLE. Thank you, Mr. Chairman.

Mr. SIMPSON. Just a couple quick things. One, Ribs, how do you pronounce the name of that school?

Mr. WHITEBIRD. Bug-O-Nay-Ge-Shig.

Mr. SIMPSON. And what does it mean?

Mr. WHITEBIRD. All in a day.

Mr. SIMPSON. Okay.

Ms. MCCOLLUM. Which is named after—I will tell you later more about the school.

Mr. SIMPSON. Okay.

Mr. WHITEBIRD. All in a day.

Mr. SIMPSON. I am trying to figure it out.

Mr. ZORN. Betty could tell you.

Mr. SIMPSON. Jim, you mentioned the Great Lakes Restoration Project, the geographical program.

Mr. ZORN. Right.

Mr. SIMPSON. We have got several of those: Puget Sound, Chesapeake Bay, Great Lakes, San Francisco Bay now. Do you get money from that program for projects for the tribes to do on the reservations and other types of things?

Mr. ZORN. Yes, reservation and treaty-seated territory.

Mr. SIMPSON. One of the complaints—I do not know if this is true—actually from people around the region up there, around the Great Lakes—is that there is—what was the appropriation for that last year? Do you remember, Darren?

DARREN BENJAMIN. Four hundred seventy-five, was it not?

Mr. SIMPSON. Four hundred seventy-five was the year before. \$350 million this year under the last year.

DARREN BENJAMIN. Three hundred eleven, was it not? I think it was \$311 million.

Mr. SIMPSON. Okay.

DARREN BENJAMIN. Yeah. Yeah.

Mr. SIMPSON. All of the geographic programs took somewhat of a hit.

DARREN BENJAMIN. Right. Exactly.

Mr. SIMPSON. Which means we did not have to go after BIA or any health services or some of those other ones. Some of those other programs took a hit. But some of the complaints I hear—and I do not know if they are necessarily complaints or some of the con-

cerns, I guess, is a better word—is that this \$311 million or whatever it is goes out to all these little things and there is not an overall big plan about how we are going to clean up the Great Lakes and that they need a plan and to be able to do this on a grander scale than what they are currently doing. Do you find that true or—

Mr. ZORN. Well, the balance there is if you over-regionalize the Great Lakes, you tend to miss certain things. Like Lake Superior tends to be the cleanest of the lakes, and if you focus on restorations, say, like down in Lake Erie, what do you have to do to Lake Superior before you are eligible for dollars? And so there is this effort to find a way to quarterback it through, say, Camp Davis or someone else in the administration while also having the diversity of each of the Great Lakes and some of these successful existing structures. So I do not find that necessarily to be true because I think if you over-centralize it, you are going to create this hourglass; you are going to lose your chance to accomplish good things and preserve things that need to be preserved. I do agree that there has been probably too much talking and not a lot of action and I think people are trying to correct that. And I think the whole issue of trying to get that initial 475 out into the field, how long it took—

Mr. SIMPSON. Um-hum.

Mr. ZORN [continuing]. Compared to what it took to get the tribal dollars out through the Indian Self-Determination Act. That is something we would like to have looked at because we think we can get the dollars out there quicker to do more on-the-ground good. That is the continuing concern. I think we have to be concerned about over-governance, though, because then it is all talk, all around the table instead of going out and doing things.

Mr. SIMPSON. Well, the other side of the argument, and it is probably just as valid is that pollution does not come out of one great big pipe.

Mr. ZORN. Exactly.

Mr. SIMPSON. It comes in small things, and you clean it up in those areas that happen to cause the problems. I do not think anybody on the committee is opposed to these geographical programs and what we are doing because we all want to maintain the greatest body of fresh water—

Mr. ZORN. Right.

Mr. SIMPSON [continuing]. In North America and these other, Puget Sound and Chesapeake Bay. We want to do whatever is necessary to clean those up. We just want to make sure that the dollars that we are spending are actually achieving a goal.

Mr. ZORN. And we are on board with you. Please keep looking over our shoulder because the accountability is important. If we cannot show results, this is not going to keep coming.

Mr. SIMPSON. I appreciate it. What were you going to say?

Mr. WAWRONOWICZ [continuing]. Management plan that is basically council-driven, people-driven where the research—

Mr. SIMPSON. Turn on your mike.

Mr. WAWRONOWICZ [continuing]. What are the resources of values to the tribal members and the non-Indian community that is living within the boundaries of a reservation. And we utilize the

Great Lakes Restoration Initiative this year for fiscal year 2011 we are going to have \$300,000 that is going to be working within the Basin in order to provide, like I indicated in testimony earlier, clean air, water, and land. Lake Sturgeon Restoration is one project, Wetland Enhancement projects that we have going on the res, Wild Rice Enhancement, a lot of those ecosystem approaches that if you, you know, take care of your ecosystem at home, you know, that will, you know, just regionally be a benefit to the Great Lakes region.

Mr. SIMPSON. Let me just ask you, on your reservation, do you have your own clean air standards, clean water standards, or do you have—

Mr. WAWRONOWICZ. We have federally-approved clean water standards.

Mr. SIMPSON. These are your standards—

Mr. WAWRONOWICZ. Our standards, yes.

Mr. SIMPSON [continuing]. That have been federally approved?

Mr. WAWRONOWICZ. Correct.

Mr. SIMPSON. And do you enforce those or does the EPA enforce those?

Mr. WAWRONOWICZ. EPA will enforce those.

Mr. SIMPSON. Okay.

Mr. WAWRONOWICZ. We have federally-approved water quality standards. We are working on air standards as we speak. The other thing that we are also utilizing is Department of Energy money to come up with an energy plan in order for the reservation to reduce its use of fossil fuels by 25 percent by the year 2025. So, you know, that is all with an integrated resource management plan that we have that is council-driven, that gives us the opportunity to go after federal dollars, you know, tribal dollars in order to maintain that clean air, water, and land. You know, and to be quite honest with you, like I indicated I mean without that, economic development will not be possible with an Indian Country or within the United States of America because that is the basic supply follow it. I mean, we just cannot cut corners in that area as a Nation. We just cannot.

Mr. SIMPSON. Thank you.

Ms. MCCOLLUM. Mr. Chair, on this point I am glad you mentioned, you know, is it pollution that we are measuring? Is it invasive species that we are measuring? Is it restoration of wetlands so that a Great Lake does not become further polluted? So it is a lot of things and so a regional board needs to oversee that we are reaching our goal, but the objectives need to be embraced for each one of the lakes, and in Lake Superior, with such a large shoreline, even within that. But the question I wanted to ask, because you mentioned the Circle of Flight—

Mr. WAWRONOWICZ. Um-hum.

Ms. MCCOLLUM [continuing]. And I know that that is something that I have heard from our tribes back home, which also not only affects—you talk about the greater good—it is not only for tribal areas but it also supports conservation. I mean, Ducks Unlimited supports, and you have wide, wide support on that. Could you talk a little bit about your interaction with Fish and Wildlife and how cuts to those dollars, how it impacts you?

Mr. WAWRONOWICZ. Well, Circle of Flight, you know, it is an initiative that has been in Indian Country for a long time and the Great Lakes region, was 20 years or so now. And we are able to utilize those dollars for leverage. In other words, the money that, you know, that Congress appropriates, you know, the President puts in his budget, Congress appropriates it, we are able to use that money to, you know, to work with Ducks Unlimited. For our example, on our reservation we have the Pall Marsh in which we were able to provide monies to the State of Wisconsin in order to do some work on their side of the marsh in order to enhance water-fall production, be able to, you know, move some water around to where it is not having a negative impact on another ecosystem. So, you know, there is that cooperation there with those dollars that are, you know, benefitting the non-Indian community on and off the reservation. We are a checkerboard reservation, which means that we have fee land, allotted land, and tribal land that, you know, helps protect those resources for both the tribal and non-tribal in utilizing those resources. And that is just important. Just to mention, the Circle of Flight program did receive an award from the Department of the Interior. I always cannot remember the—it is the Conservation—

Mr. SIMPSON. Partners in Conservation Award. Yeah.

Mr. WAWRONOWICZ. So in order to do that, you know, I mean we have done some good things in Indian Country over the years both in Wisconsin, Minnesota, and Michigan. So it is a good program and we definitely appreciate continued support from this committee, as well as, you know, the administration that puts it in there, so thank you very much.

Mr. COLE. Before we let you all go, I would be remiss not to recognize Chairman Billie because I want to tell you, he is the only person that has ever appeared before this committee that said do not build a road and take the money back. I think that alone means we ought to really look at this very carefully. He made a very good point and a very good case. And if we could, we will let you all go and we will bring our next panel up. Ms. Jackie—Ms. Johnson I guess I should say formally, Mr. Barnett, Mr. Secatero, Dr. Neary, Dr. Deters, and Mr. Miller. It is fine and just what we will do is just start at the far end if you would introduce yourself and we will work through, give everybody an opportunity to make their testimony and then we will open it up for questions and response from the committee. So whenever you would like. Please.

TUESDAY, MAY 3, 2011.

AMERICAN DENTAL ASSOCIATION

WITNESS

MATT NEARY

Mr. NEARY. Begin my testimony?

Mr. COLE. Yes.

Mr. NEARY. Chairman Simpson, Committee Member Cole, I am Matt Neary, Chairman of the Council on Government Affairs of the

American Dental Association and a practicing dentist in New York City.

The ADA thanks the committee for its support for the Indian Health Service Dental Program. Your support has expanded the dental division's recruitment efforts, maintained an adequate level of dentists with advanced training, and initiated an electronic dental records system.

The level of early childhood caries, tooth decay, among the American Indian and Alaska Native children has reached epidemic proportions. Tooth decay is 400 percent higher in this population than for all U.S. races. The disease is so extensive that between 25 and 50 percent of preschool children require full mouth restoration under general anesthesia. Aside from the medical risk to the child, this is the most expensive way to treat dental disease. It costs thousands of dollars to treat a child in a hospital, primarily due to anesthesia-related tests and recovery management compared to a couple of hundred dollars if the tooth decay is caught at an early stage or a few cents per day to prevent it.

We are very pleased that the IHS is pursuing its Early Childhood Caries Initiative as a cost-effective way of addressing and preventing tooth decay. The American Dental Association shares IHS's concerns about the tooth decay epidemic and supports research that will afford us a better understanding of the disease. Last year, we hosted our second symposium on the subject. Participants included caries researchers, tribal health officials, pediatric dentists, and dental public health staff.

During the past year, the American Dental Association and four state dental associations established a Native American Oral Healthcare project to address the imbalance and access to quality healthcare among Native Americans. We have held numerous visits with tribal leaders to discuss collaborative ways of improving oral healthcare in Indian Country and anticipate the development of long-term partnerships to achieve those goals.

For several years, the ADA has come before the committee and shared our concerns regarding the number of dental vacancies in the IHS. Three years ago, there were over 140 dental positions open. Today, there are 45. Several factors have contributed to reducing this number, including the IHS Summer Student Extern program. The IHS has been able to place nearly 500 dental students during the past two summers. These students become IHS ambassadors when they return to school and contribute to more dentists applying for IHS residencies upon graduation. This has proven to be a highly effective program, which we look forward to continuing into the future.

Two other areas of high priority are reinstating the funding to replace modular dental units at \$1 million per year and continuing to install the electronic dental health records system for \$12 million. As a periodontist, I can tell you that untreated adult oral disease significantly complicates the management and inflates the treatment cost associated with diabetes and heart disease, two conditions with extremely high incidence among tribal peoples. The eight dental support centers funded by the IHS focus on preventing and treating oral disease for all age groups. We have learned from tribal leaders that these centers are highly valued and we rec-

commend funding the increase by \$2 million so that they can service each geographic area.

Oral disease among Native Americans can be significantly reduced with a strong prevention program and a sufficient workforce. We cannot drill and fill our way out of this dental disease epidemic. That approach will not result in any disease reduction or cost savings. But by focusing on prevention and timely treatment for all ages, we can accomplish our goals. I want to thank you for allowing ADA to testify. We are committed to working with you, the IHS, and the tribes to aggressively reduce the disparity in oral disease and care that currently exists in Indian Country. Thank you.

[The statement of Matt Neary follows:]

American Dental Association
Interior Appropriations Committee
May 3, 2011

Good Morning Chairman Simpson, Ranking Member Moran and Committee Members. I am Dr. Matt Neary, Chairman of the Council on Government Affairs for the American Dental Association (ADA). I am a private practicing dentist in New York City. The ADA, which represents 157,000 dentists, appreciates the opportunity to comment on the oral health issues that affect American Indians and Alaska Natives (AI/ANs), as well as the dentists and oral health care providers who serve in the Indian Health Service (IHS) and tribal dental programs.

I would first like to thank the Committee for the support it has provided the IHS dental program. We believe that the increases in the FY 2010 budget and the funding maintained in the continuing resolutions were instrumental for expanding the dental division's recruitment efforts to dental students, maintaining an adequate level of dentists with advanced training to treat severe oral health care cases and providing an electronic dental record system that should result in savings and more efficient treatment for AI/AN patients. We appreciate your efforts to continue these programs.

We are also pleased that the Administration has recommended an increase for the Division of Oral Health (DOH) to \$170,859,000 for FY 2012. The proposed funding level will allow the Division to maintain its current programs; however, the ADA believes more needs to be done to improve access to dental care and reduce oral disease among AI/ANs.

The level of Early Childhood Caries (ECC), tooth decay, among the AI/AN children has reached epidemic proportions. In fact, ECC prevalence is about 400 percent higher in this population than for all U.S. races. Worse still, the *severity* of decay is substantially higher in AI/AN children compared to the population as a whole. Preschool children average more than 5 decayed teeth compared to 1 decayed tooth among U.S. pre-school children of all races. In many AI/AN communities, between 25–50 percent of preschool children have such extensive ECC that they require full mouth restoration under general anesthesia, compared to less than 1 percent for non-AI/AN children.

A year ago, we reported that the IHS began the Early Childhood Caries Initiative - a new program designed to promote prevention and early intervention of tooth decay in young children through an interdisciplinary approach. During the past year the IHS has been able to conduct oral health assessments of children up to 5 years of age through several partner groups to determine the level of disease as well as the best prevention methods. This is the first national oral health survey conducted by the IHS in over a decade. We believe that the president's request which calls for a \$726,610 increase for the headquarters dental program will allow this initiative to keep moving forward.

Consistent with the IHS initiative to reduce tooth decay, the ADA hosted the second annual Symposium on Early Childhood Caries (ECC) in AI/AN children this year. There continues to be a pressing need to examine ECC in light of the current scientific understanding of the disease and identify new research and strategies that are based on the best available science. The overall

purpose of this symposium was to bring together a group of some of the most experienced caries researchers in the U.S., representing many of the most prestigious caries research centers, to review the state of the science of prevention of caries in the primary dentition, identify gaps in our current understanding of this disease and formulate strategies to close the existing gaps in knowledge. Participants included tribal health officials, pediatric dentists, dental public health staff, dental researchers and consultants with direct experience with this disease.

The ADA and its constituent societies in Indian Country have also been working during the past year to advance oral health outreach and raise awareness in Indian Country. The Arizona and New Mexico Dental Associations established the ADA's Native American Oral Health Care Project to address the imbalance in access to quality oral health care among Native Americans. These organizations have made numerous visits to Indian Nations to meet and collaborate with tribal leaders. Just last month, ADA President Dr. Ray Gist, met with Tribal leaders, health directors, and policy makers to discuss the development of a comprehensive approach for improving oral health care in Indian Country. During these sessions, discussions began on how to recruit American Indians into the dental professions. We anticipate the development of long term partnerships to achieve this goal.

In a meeting with the Pueblos of Jemez and Sandia – both of which operate 638 designated health care and dental facilities – Dr. Gist discussed such goals as improving access to dentures for community elders and supporting oral health care prevention strategies for youth.

Dr. Gist also met with the Inter Tribal Council of Arizona (ITCA) to discuss how the ADA and the ITCA can join forces to pool and leverage resources to enhance prevention efforts to the 21 tribes that the ITCA serves. Further meetings are being planned for next month to identify projects for collaboration.

The ADA has also supported similar efforts between tribes in the Aberdeen area and the North and South Dakota Dental Associations. We are very encouraged by these efforts and wanted to make the committee aware of these talks. As more concrete plans develop we anticipate that there could be a need for additional resources for the Tribal nations for oral health literacy programs, prevention programs, and workforce. We hope that the Committee will support our efforts in building these public-private partnerships.

For several years, the ADA has come before the Committee and shared our concerns regarding the number of dental vacancies in the IHS. Mr. Chairman, we are pleased to report that the IHS dental program is continuing to see improvement in reducing vacancies. Three years ago, we reported that there were over 140 dental positions open. Today, the number is 45. We believe that several factors have contributed to reducing these workforce shortages.

The IHS dental recruiters have conducted an excellent campaign to attract dental students to participate in their summer extern program as a way to introduce them to the Service. Thanks to support from this Committee the IHS was able to place up to 240 applicants during each of the past two summers. Experience has shown that the externs become IHS ambassadors when they return to school and we believe that this results in more dentists applying to the IHS upon graduation. However, in spite of the success of this program it has encountered a new threat.

Recently, a question was raised as to whether the IHS has the legal authority to reimburse the student externs for their travel to the participating sites. This may require bill language to clarify that such payments are legal. We fear if they do not continue it will seriously jeopardize the program's recruitment efforts. We will keep the committee informed of this situation and hope that you will work with us to ensure the summer dental extern program continues.

The average student debt load for dentists is \$200,000 and most begin repaying their debts soon after graduation. The IHS dental loan repayment program offers an attractive incentive for dentists to join the Service. It is also an excellent retention tool for those dentists who want to continue in the IHS beyond their initial agreement. In 2010, the IHS awarded 110 loan repayment contracts for dentists and dental hygienists. Of those, 62 continued their previous contracts beyond their initial commitment which will help to maintain a continuity of care for patients.

In previous years, the Committee has supported the IHS dental program's expansion of its residency program. However, we have recently learned that if a dentist is receiving loan repayment and would like to go on for advanced training in pediatrics or oral surgery, they have to forfeit their loan repayment. This prevents many from applying for the advanced training. We believe that there is a simple solution to this situation – allow them to keep their loan repayment while advancing their specialties, but not count their time in training towards their payback time.

Health Information Technology

The American Recovery and Reinvestment Act (ARRA) provided \$3.5 million for the IHS Electronic Dental Record (EDR). It was estimated a year ago that the Division needed an additional \$12 million to complete the deployment of the EDR to all federal and tribal dental programs. The EDR will provide automated patient dental records and capture dental data from patient encounters and oral examination records to support quality assurance, utilization reviews, resource allocation, clinical measures, and research. The ADA believes that IHS dental patients should have the same quality of care enjoyed by all Americans. Making sure that the DOH can fully implement the EDR in a timely fashion will help to ensure that goal. We appreciate the support the committee has given to this project and we hope you will continue to see it fully implemented.

Continue Congressional Program to Upgrade Dental Facilities

In 1995, the Association testified regarding the urgent need to replace and upgrade dental facilities throughout Indian Country. The Committee recognized that it was impossible to build new dental facilities but acknowledged the need for modern clinics by setting aside at least \$1 million each year to replace modular dental units. This approach has been highly successful, increasing access to care and decreasing the oral health disparity of AI/AN patients. However, it appears that for the last three years, no funding has been allocated for this project in spite of the fact that there are still at least 27 dental programs on the waiting list. We request that the Committee continue this successful program at \$1 million for FY 2012 in the facilities account.

Expand Dental Clinical and Preventive Support Centers

Above I stated the ADA's concerns about early childhood caries – with special emphasis on children up to age 5. However, tooth decay among older children and adults is also a problem. An important additional component for the IHS would be to expand the existing eight dental clinical and preventive support centers. Support Center staff in this program are trained to assist in establishing and maintaining community-based programs to prevent dental disease. Their training includes:

- School-based sealant programs,
- Community water fluoridation,
- School-based fluoride mouth rinse programs,
- Community-based dental education programs, and
- Programs to prevent periodontal disease

In his meetings with the ITCA leadership, Dr. Gist learned that their Support Center was defunded and replaced with a new initiative to evaluate the effectiveness of oral health care service delivery among IHS service units. While the new program is important to them and their member tribes, the Support Center was invaluable to addressing the oral care needs of children. ITCA and their member tribes would like to be able to offer both programs and not have to drop one for the other. In order to restore the ITCA support center and to fully address the needs of all the centers, we recommend that the Committee increase the current funding by \$1 million to \$3 million and designate the funding to be used by the Director of the IHS Headquarters Division of Oral Health. This amount of funding will allow for enough support centers to service each IHS geographic area.

Conclusion

From the Association's experience of working with the IHS dental program for over 35 years, we know that adequately funding dental care can make a difference. The 1991 Oral Health Survey shows that in areas where dental care was accessible there was a:

- 14% increase in the number of children 5-19 years with no decay,
- 12% decrease in the number of children 5-19 years with high decay rates (7 or more cavities), and
- 9% decrease in the number of adults 35-44 years with periodontal disease.

However, as of today, the IHS has not been able to reach its FY 2010 goal of servicing 25 percent of the population who utilize the IHS Health Care system. The successes mentioned above need to be multiplied to really have an impact in preventing oral disease which will result ultimately in cost reductions. We cannot “drill and fill” our way out of dental disease. But we can prevent it – which is a more cost efficient and a better way of reducing oral disease.

Thank you for allowing the ADA to testify and highlight the needs and successes of the IHS dental program. The ADA is committed to working with you, the IHS and the Tribes to aggressively reduce the disparity of oral disease and care that currently exists in Indian Country.

Mr. SIMPSON. Okay.

TUESDAY, MAY 3, 2011.

NATIONAL INDIAN HEALTH BOARD

WITNESS

LESTER SECATERO

Mr. SECATERO. Mr. Chairman, members of the subcommittee, my name is Lester Secatero. I serve as the Albuquerque area representative to the National Indian Health Board and the chairman of the Albuquerque Area Indian Health Board. Thank you for inviting me and the NIHB here today to provide testimony regarding the fiscal year 2012 budget for the Indian Health Service.

The NIHB was pleased to learn that for the fiscal year 2012 HIS budget, the administration recommends a \$571 million increase over the fiscal year 2010 enacted IHS appropriations. We acknowledge that this 14.1 percent increase is quite significant in this budget climate, yet this increase is needed to address the critical health needs of our tribal communities. This increase also represents a continued commitment to honor the Federal Government's legal obligation and sacred responsibility to provide healthcare to American Indians and Alaska Natives.

The trust obligation to provide healthcare is paramount, and it is upon this foundation that the IHS National Tribal Budget Formulation Workgroup built its recommendation for the fiscal year 2012 IHS budget. This Workgroup recommends preserving basic healthcare programs currently being funded. Current services increases are the lowest budget increments needed to enable the Indian Health System to continue operating at its current level of service. This category contains such items as pay cost increases, inflation, contract support costs, funding for the population growth, and facilities construction and staffing. Without these increases to base funding, the Indian health system would experience a decrease in its ability to care for the current service population.

Second, significant program increases are required to address the overwhelming health needs in Indian Country. The recommended increases are made in key IHS budget accounts to enable programs to improve and expand the services they provide to Indian patients. As you know, the IHS has been plagued by woefully inadequate funding, which has made it impossible to supply Indian people with the level of care they need and deserve and to which they are entitled by treaty obligation.

In addition to the Workgroup recommendation, I would like to provide additional recommendations regarding the IHS budget. First, the President's proposed budget for IHS includes proposed cuts of the small grant programs, but the impact of eliminating these programs in Indian Country is enormous. All of these small grants serve and target very vulnerable native populations such as children, elders, and women, and their purpose is to strengthen and build capacity for the long-term health of the tribes in such areas as public health, wellness, fighting childhood obesity, and working to end domestic violence against native women. In addi-

tion, the proposal also includes cutting the small grant to the tribes' primary healthcare resource for information and coordination of the national tribal voice, the National Indian Health Board. We ask that you do not implement any cuts to this organization, which is vital to improving the health status of all tribal people.

Second, as a discretionary budget line, the IHS budget falls target to across-the-board cuts to discretionary funding. Such across-the-board cuts are detrimental not only to a federal agency's budget but to the lives and well-being of Indian people. Today, the IHS budget is funded approximately at half the level of need. Any budget cuts in any form will have harmful effects on healthcare delivery to Alaska Natives and American Indians. The NIHB asks the committee to exempt the Indian Health Service from any cuts, freezes, or rescissions.

Lastly, we ask that a plan be put into place to fully fund IHS. Developing and implementing a plan to achieve funding parity is critical to the future of Indian health and to fulfilling the United States' trust responsibility to AI and AN people. The funding disparities between the IHS and other federal healthcare expenditure programs still exist in 2010. IHS spending for medical care was \$2,741 per user in comparison to the average of federal healthcare expenditures of \$6,909 per person. On behalf of all the tribes, please move forward towards full funding of the IHS budget. On behalf of the National Indian Health Board, thank you for the opportunity to address this subcommittee on these important matters.

[The statement of Lester Secatero follows:]

TESTIMONY BY LESTER SECATERO
ALBUQUERQUE AREA REPRESENTATIVE, NATIONAL INDIAN HEALTH BOARD
TO THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE ON THE
FY 2012 INDIAN HEALTH SERVICE BUDGET
MAY 3, 2011

Mr. Chairman, and Members of the Subcommittee, my name is Lester Secatero. I serve as the Albuquerque Area Representative to the National Indian Health Board (NIHB)¹ and the Chairman of the Albuquerque Area Indian Health Board. The NIHB offers the following comments regarding the President's proposed FY 2012 budget for the Indian Health Service (IHS).

The NIHB was pleased to learn that, for the FY 2012 IHS budget, the Administration recommends a \$571 million increase over the FY 2010 enacted IHS appropriations. This 14.1% increase is quite significant. It acknowledges the critical health needs of our tribal communities and represents the continued commitment to honor the federal government's legal obligation and sacred responsibility to provide health care to American Indians and Alaska Natives (AI/AN).

National Tribal Budget Formulation Workgroup's Recommendations

The trust obligation to provide health care is paramount, and it is upon this foundation that the IHS National Tribal Budget Formulation Workgroup ("Workgroup") built its recommendations for the FY 2012 IHS budget. Each year, this Workgroup consolidates all the IHS Areas' budget formulation recommendations; develops a consensus national tribal budget and health priorities document; and presents the recommendation to the U.S. Department of Health and Human Services (HHS).² The NIHB supports this government-to-government process and the final recommendations developed by the Workgroup.

The Workgroup's recommendations for FY 2012 were formally presented to the HHS on March 4, 2010, eleven months before the President presented his FY 2012 budget proposal to Congress. Since the release of the Workgroup's recommendation, the Patient Protection and Affordable Care Act (ACA), which includes the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), was also passed and enacted. Although not included in the Workgroup's FY 2012 recommendations, we know that funding the new opportunities now available under the reauthorized IHCIA is important to Indian Country.

The Workgroup's recommendations focus on two types of needed increases:

¹ Established in 1972, the NIHB serves all federally recognized tribal governments by advocating for the improvement of health care delivery to AI/ANs, as well as upholding the federal government's trust responsibility to AI/ANs. We strive to advance the level and quality of health care and the adequacy of funding for health services that are operated by the IHS, programs operated directly by Tribal Governments, and other programs. Our Board Members represent each of the twelve Areas of IHS and are elected at-large by the respective Tribal Governmental Officials within their Area. The NIHB is the only national organization solely devoted to the improvement of Indian health care on behalf of the Tribes.

² For copies of previous Workgroup recommendations, please visit the NIHB Budget Formulation page at http://www.nihb.org/legislative/budget_formulation.php.

1. **Current Services Increases:** Preserving basic health care programs currently being funded. Increases in current services are the budget increments needed to enable the Indian health care delivery system to continue operating at its current level. These increases are more important than ever. This category contains such items as federal and tribal pay cost increases; inflation; contract support costs; funding for population growth; and facilities construction and staffing. Without these increases to base funding, the Indian health system would experience a *decrease* in its ability to care for the service population.
2. **Program Increases:** Significant program increases are required to address the overwhelming health needs in Indian Country. The recommended increases are made in key IHS budget accounts to enable programs to improve and expand the services they provide to Indian patients. The IHS has long been plagued by woefully inadequate funding, which has made it impossible to supply Indian people with the level of care they need and deserve, and to which they are entitled by treaty obligation.

Below is a highlight of a few programs targeted by the Tribal Workgroup for vital increases.

Current Services: Federal and Tribal Pay Costs. The Workgroup recommended a \$12 million increase for federal pay costs and a \$13 million increase for tribal pay costs. However, the President's proposal contains a 1.4 percent pay raise for Commissioned Officers that are \$4.1 million and notes that the Federal and Tribal pay costs are subject to the pay freeze enacted by Congress. **The NIHB recommends that Tribal and Federal IHS employees should be exempted from any federal employee pay freeze.**

Current Services: Contract Support Costs - Shortfall. Tribes in all Areas operate one or more such contracts. The ability of Tribes to successfully operate their own health care systems, from substance abuse programs to entire hospitals, depends upon the proper appropriation of Contract Support Costs (CSC). Full CSC funding honors the legal duty to pay these costs, and protects health care resources intended for service delivery. A year ago, the projection to fully fund CSC was \$145 and today, IHS projects an FY 2012 shortfall in contract support cost payments of \$153 million. **The NIHB supports the Workgroup's goal of full funding CSC, and urges that the CSC line item be increased by \$153 million for FY2012.**

Program Increases: Contract Health Services: The contract health service (CHS) program serves a critical role in addressing the health care needs of Indian people. The CHS program exists because the IHS system lacks the capacity to provide directly all the health care needed by the IHS service population. In theory, CHS should be an effective and efficient way to purchase needed care – especially specialty care – which Indian health facilities are not equipped to provide. In reality, CHS is so grossly underfunded that Indian Country cannot purchase the quantity and types of care needed. As a consequence, many of our Indian patients are left with untreated and often painful conditions that, if addressed in a timely way, would improve quality of life at lower cost. **The Workgroup proposes an increase of \$118 million for CHS.**

Program Increase: Sanitation Facilities Construction: Currently 12% of AI/AN homes do not have adequate potable water supply in comparison to 1% of homes for the U.S. general

population.³ The IHS Sanitation Facilities Construction (SFC) program provides potable water and waste disposal facilities and IHS reported that for every dollar IHS spends on sanitation facilities to serve eligible existing homes, at least a twentyfold return in health benefits is achieved.⁴ **Due to the remaining need and success of this investment, the Workgroup recommends \$14 million increase.**

Additional Budget Recommendations

In addition to the Workgroup's recommendations, the NIHB would like to provide additional recommendations regarding the IHS budget.

Projected Savings in the IHS budget

There is a critical need for more funding for basic healthcare services to go directly to all of our facilities and if the President's 14% increase is realized, that will help; however, the proposed cuts to the "small grant" programs hold a small price tag (\$7 million collectively, as articulated in the President's budget request), but, the impact of these programs in Indian Country is enormous. All of these small grants serve and target very vulnerable Native populations, such as children, elders and women, and their purpose is to strengthen and build capacity for the long term health of the Tribes in such areas as public health; wellness; fighting childhood obesity and working to end domestic violence against Native women. In addition, the proposal includes cutting the small grant to the Tribes' primary health care resource for information and coordination of the national Tribal voice: the NIHB. We ask that you do not implement any cuts to this organization, which is vital to improving the health status of all Tribal People.

Protect IHS Budget from rollbacks, freezes and rescissions

As a discretionary budget line, the IHS budget falls target to the across the board cuts to discretionary funding. Indian Country is thankful for the support of Congress and the Administration during the previous two fiscal years for significant increases to the IHS budget. However, the IHS budget has been subject to proposed budget cuts in the past. This was detrimental not only to an agency budget, but on the lives and well being of AI/ANs. Today, the IHS budget is funded approximately at half the level of need. Any budget cuts, in any form, will have harmful affects on the health care delivery to AI/ANs. The NIHB asks the committee to exempt the Indian Health Service from any cuts, freezes, or rescissions.

Create a long-term investment plan to fully fund IHS Total Need

Tribes have long asked for full funding of the IHS. Developing and implementing a plan to achieve funding parity is critical to the future of Indian health and to fulfilling the United States's trust responsibility to AI/AN people. The funding disparities between the IHS and other federal health care expenditures programs still exists and in 2010, IHS spending for medical care was \$2,741 per user in comparison to the average of federal health care expenditure of \$6,909 per person.⁵ Tribes and the NIHB ask the federal government to design and implement a true full funding plan for the IHS budget.

³ IHS Fact Sheets: Safe Water and Waste Disposal Facilities (January 2011) at <http://info.ihs.gov/SafeWater.asp>

⁴ *Id.*

⁵ IHS Fact Sheets: IHS Year 2011 Profile (January 2011) available at <http://info.ihs.gov/Profile2011.asp>.

THE INDIAN HEALTH SERVICE'S FY 2012 BUDGET RECOMMENDATIONS**Current Services Increases**

	Tribal Workgroup FY 2012 Proposal¹	President's FY2012 Request
Federal Pay Costs	\$12,000,000	\$4,102,000
Tribal Pay Costs	13,000,000	0
Inflation	63,300,000	155,308,000
Additional Medical Inflation ²	54,800,000	--
Population Growth	42,900,000	96,550,000
Staffing for New/Replacement Facilities	35,000,000	71,533,000
Contract Support Cost – Shortfall	145,000,000	0
Total Current Services	\$366,000,000	\$327,493,000

Program Increases

Hospitals & Clinics	\$90,000,000	\$0
Indian Health Care Improvement Fund	15,000,000	54,000,000
Information Technology	--	4,000,000
Chronic Diseases	--	2,529,000
Dental	5,000,000	0
Mental Health	4,000,000	0
Alcohol and Substance Abuse	10,000,000	4,000,000
Contract Health Services	118,000,000	89,635,000
Urban Indian Health	9,000,000	1,000,000
Direct Operations	--	3,404,000
Business Operations Support	--	6,033,000
Contract Support Costs (New & Expanded)	--	50,000,000
IHCIA Implementation	--	2,000,000
Facilities Maintenance & Improvement	10,000,000	0
Sanitation Facilities Construction	14,000,000	(19,619,000)
Health Care Facilities Construction	84,000,000	53,958,000
Small Ambulatory Program	10,000,000	0
Equipment	5,000,000	0
<i>Proposed Grants Savings</i>	--	(7,000,000)
Total Program Expansion	\$374,000,000	\$243,940,000
Total Increases	\$730,000,000	\$571,433,000

Notes: -- refers to items not considered by the National Tribal Budget Workgroup

¹ The National Tribal Budget Workgroup based their recommendations on the President's proposed budget for FY 2011 and released their recommendations in March 2010. The Tribal figures for current services may need to be adjusted to ensure full funding of current services.

² Funding for IHS programs has not kept pace with inflation, while Medicaid and Medicare have accrued increase of 5 to 10% per year.

Mr. SIMPSON. Thank you.

TUESDAY, MAY 3, 2011.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JACQUELINE JOHNSON PATA

Ms. JOHNSON PATA. Good afternoon. My name is Jacqueline Pata. I am the executive director of the National Congress of American Indians. I am also a councilmember for the Tlingit-Haida Tribes of Alaska. My testimony today is on behalf of the National Congress of American Indians. And first I would like to thank you, Chairman Simpson, for holding it and the staff for holding this hearing. It is such an honor to be able to come and sit with the witnesses back here and listen to tribal leader after tribal leader have this one-on-one dialogue with Members of Congress, and I appreciate the history of allowing this to continue. I also want to thank you and the members of this committee for the extraordinary work that you did at this budget debate cycle and for the respect of being able to protect the treaties and other legal instruments that are really our relationship with the Federal Government and honoring that.

We know, as this Nation deals with very difficult issues around the deficit and tightening the belt and being able to address the ongoing challenges of the budget deficit, that the dialogue will continue to be difficult and we want to let you know that we stand with you to be able to help shore you up in any of those areas. We also recognize that there will be many proposals to deal with those budget reductions and certainly to make the government work more efficiently and effectively and we stand with you for looking for those ways as tribal leaders and tribal communities to also deal with what we can do to contribute, but want to recognize and remember that we should not balance those budget deficits on the backs and the expense of the treaty and trust obligations and those solemn agreements.

I want to also say that we are very appreciative as we go forward in looking into the next budget cycles of, obviously, the "Carcieri" fix, the language that has been included, and certainly was included from the present fiscal year 2012 budget. We believe and we hope that this is the year that we will get it through.

But in addition to that, I want to just bring your attention to the overall BIA budget and certainly, you know, even with the protected funding for fiscal year 2011, there has been an effort to address the prior 2012 is we are concerned about the ongoing trend of appropriation levels to the Department of the Interior and the various agencies. Even in the last nine fiscal years, the budgets for Fish and Wildlife Service have grown by 30 percent, the National Park Service by 28 percent, and the U.S. Geological Survey by 19 percent. Meanwhile, BIA has only seen a increase of 8 percent, which barely covers any cost-of-living or inflation factors. And we have seen this historical trend. So even though we feel like we are raising the bar and protecting tribes, in relationship to the other

departments within the Department of the Interior, we are sorely lagging behind. And so we ask you to take a look at that and to be able to help us address this disproportionate funding trend that seems to be arising throughout Indian Country.

Another area that, of course, we have strong united support from tribes across the country is funding for the contract support costs. I looked at some of my other panel members here; I am sure they will speak to it. But with IHS and BIA and tribally-operated schools, which are funded by tribal grant support costs, we recommend that the contract support costs be increased to \$615 million and the BIA contract support to \$228 million, the tribal grant support to \$70.3 million. And this really would provide full funding. Now, full funding means 100 percent funding, which means that the government would actually pay the contracts as they pay any other contract that they engage in across the Nation with other contractors at 100 percent.

As far as natural resources programs such as Rights Protection Implementation, fish hatcheries, forestry, water services, the last panel spoke to a lot of those issues. They have been identified as critical to Indian tribes in the budget and we have offered specific recommendations that you will see in our written testimony. But natural resources, of course, are an important part to our tribal economies, as well as our cultural values.

And talking about tribal economies, the last thing I want to touch on in my brief moment here is that the Tribal Guarantee Loan Guarantee Programs of 5.1 million, these guarantees may have been unused but it was not the fault of the tribal leaders that it went unused. It was the fault of the Agency for not getting them out. This does not mean that we do not need them. And this leveraged dollars 10 to 1 means important financing to tribes and actually will help spur our future economic opportunities. So we hope that you restore those loan guarantee funds and look at helping to provide that oversight to the federal agencies to ensure that they are being properly used.

So once again, I thank you for the ability to be able to testify here today and provide our brief opinions. Thank you.

[The statement of Jacqueline Johnson Pata follows:]

NATIONAL CONGRESS OF AMERICAN INDIANS

May 3, 2011

Testimony of Jacqueline Johnson Pata, NCAI Executive Director



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On behalf of the National Congress of American Indians, thank you for the opportunity to testify on tribal programs in the FY 2012 budget under the Interior-Environment Appropriations bill. This testimony will address programs in the Department of Interior, Environmental Protection Agency, and Indian Health Service.

Despite reductions for many federal agencies and programs, the President's FY 2012 budget proposal largely protects funding for many Indian programs, and even contains some proposed increases for Indian health and public safety. NCAI commends the Administration for these proposed increases, especially given diminished federal resources. But as Congress deliberates over the FY2012 budget, we ask that you remember that funding for Indian programs supports the trust responsibility—and that trust responsibility is not a line item—it is a solemn duty.

Although Congress will begin deliberations on the FY2012 federal budget in a very tight budget atmosphere, it also follows one of the most significant years of bipartisan accomplishments for Indian Country in recent memory. As you know, in 2010, the U.S. government took historic steps to address numerous long-standing challenges faced by tribal nations. Congress made permanent the Indian Health Care Improvement Act (IHCIA) and President Obama signed into law the Tribal Law & Order Act (TLOA). But, like other laws, TLOA and IHCIA will not mean much if they are not implemented, and effective implementation is contingent upon adequate federal funding for authorized programs. This moment presents the federal government with an extraordinary opportunity to further tribal self-determination and honor the promises of the federal trust responsibility.

A key theme of the last election was that Congress and the federal budget should focus on programs that are undeniably part of the federal government's constitutional role. Federal obligations to tribal citizens—largely funded by the federal budget—are the result of centuries-old treaties negotiated and agreements made between Indian tribes and the U.S. in exchange for land and resources. Together, these obligations make up the trust responsibility. The authority to fund programs that help fulfill this responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause, and the Property Clause.

Meeting this constitutional responsibility and empowering citizens and communities to meet the challenges that they face is a priority tribal nations share with many new members of Congress. In this context, NCAI commends the Administration for including language for the *Caricieri* fix in the FY 2012 budget request and urges immediate passage of a clean *Caricieri* fix.

NCAI has compiled recommendations on many specific programs and agencies that affect Indian Country, but, in general, NCAI urges Congress to hold Indian programs harmless in the FY 2012 appropriations process and exempt them from across-the-board rescissions. Tribal programs have endured tremendous fluctuations in recent

decades, making it difficult for tribes to achieve community stability. Each year, tribes should receive resources at least equal to those appropriated to state and local governments so that tribes, too, may meet the critical needs of their citizens and so that the federal government may fulfill its sacred trust responsibility. As members of Congress begin considering the nation's federal budgetary priorities, the debate should acknowledge the solemn agreements made with Indian tribes that are backed by the Constitution.

Bureau of Indian Affairs – Public Safety

The recent passage of the Tribal Law & Order Act (TLOA) is proof that the calls of tribal leaders have not fallen on deaf ears. Congress and the Obama Administration have heard the concerns of Indian people and attempted to address them in this new law. The intended ends of the TLOA cannot be achieved unless tribes have the means to implement them. This requires adequate federal funding for TLOA-authorized programs, as well as full funding of other critical tribal justice programs that will support the overarching TLOA vision of comprehensive law enforcement reform.

Under Public Safety and Justice activities in the Bureau of Indian Affairs, the President has proposed a net \$25.8 million increase from the FY 2010 level, which includes \$20 million in programmatic increases and \$10.6 million for fixed costs. *NCAI supports increases for Bureau of Indian Affairs Public Safety and Justice programs.*

Indian Health Service

The FY 2012 Request for the Indian Health Service is \$4.6 billion in discretionary budget authority – a significant increase of \$571 million, or 14.1 percent, over the FY 2010 enacted level. Indian Country won a substantial victory in 2010 with the passage and permanent reauthorization of the Indian Health Care Improvement Act (IHCA) as part of the Patient Protection and Affordable Care Act (PPACA). American Indians and Alaska Natives realized a number of positive provisions in the overall PPACA legislation. As such, Indian Country seeks to ensure that the Indian health care delivery system is strengthened so that Indian people and Indian health programs benefit from reformed systems. In order to achieve these results, fundamental components are necessary to fully implement IHCA and PPACA in Indian Country. *In the current fiscal environment, NCAI and tribal leaders are encouraged to see strong support in the FY 2012 Budget Request for the Indian Health Service and urge Congress to enact the 14.1 percent increase for IHS overall.*

Contract Support Costs (CSC): The FY 2012 request for IHS contract support costs is \$461.8 million, an increase of \$63.3 million and 16 percent. The IHS recently projected that the shortfall in FY 2012 will be \$153 million, which would result in a cut of \$153 million in tribally-contracted programs, not IHS-administered programs. *NCAI recommends the IHS CSC line item be increased to \$615 million.*

Environmental Protection Agency (EPA)

The President's FY 2012 budget request for the Environmental Protection Agency includes proposed funding for a **Multimedia Tribal Implementation Grants** program to support on-the-ground implementation of environmental protection on tribal lands. These grants, for which \$20 million is requested, are tailored to address an individual tribe's most serious environmental needs. This new grant program will advance negotiated environmental plans, measures, and results as agreed upon by tribes and EPA, thus ensuring that tribal environmental priorities are addressed to the fullest extent possible. An additional \$2.9 million is requested for tribal capacity

building and implementation of this new grant program. *NCAI supports this initiative and the proposed FY 2012 levels for grants and implementation.*

The Multimedia Tribal Implementation Grants program will complement the environmental capacity developed under EPA's **Indian Environmental General Assistance Program (GAP)**, for which the Administration requests an \$8.5 million increase, for a proposed FY 2012 level of \$71.4 million. This requested increase will assist tribal environmental programs that have the capacity to take on additional responsibilities. *NCAI supports this requested increase.*

Bureau of Indian Affairs – Natural Resources

After years of natural resources program cuts, several meaningful increases were provided in FY 2010. An increase of \$12 million was provided for **Rights Protection Implementation** and \$4 million for **Fish Hatchery Operations and Maintenance**.

Several modest but helpful increases are requested in the FY 2012 budget request. These include \$1 million for Rights Protection Implementation, \$1 million for **Tribal Management/Development**, \$1 million for **Forestry**, \$1 million for **Water Management Planning and Pre-Development**, \$1 million for **Wildlife and Parks**, \$1 million for Wildlife and Parks fish hatchery maintenance projects, and \$500,000 for **Invasive Species**. Yet, even with these increases, the base TPA programs that fund tribes' day-to-day conservation responsibilities: Tribal Management/Development; Natural Resources TPA; Wildlife and Parks TPA; and Forestry would still remain at funding levels lower than they were a decade ago. *NCAI supports the requested increases, and urges sustained, increased funding in future years, especially given the level funding for BIA natural resources programs over a number of years.*

In FY 2012, there is a provision of \$200,000 for **Cooperative Landscape Conservation** to address climate change adaptation in the Northwest. Compared to the \$131 million provided to Interior in FY 2010 and the \$175 million requested in FY 2012 for climate change adaptation, the \$200,000 is woefully inadequate. This amount of funding must be increased as it is well established that tribes are disproportionately impacted by climate change, and tribal lands make up 4 percent of the entire land area of the United States, and 16 percent of the lands managed by Interior. *NCAI supports a significant increase proportionate to the climate impacts on tribal lands and the size of the Indian Country land base to enable tribes to address the impacts of climate change.*

Support for Tribal Governments

Every tribe in the United States, directly or through intertribal consortia, operates one or more contracts with the IHS or the BIA under the Indian Self-Determination and Education Assistance Act (ISDA, P.L. 93-638). The statute requires that IHS and BIA fully reimburse every tribal contractor for the "contract support costs" that are necessary to carry out the transferred federal activities. Cost-reimbursable government contracts similarly require payment of "general and administrative" costs. Full payment of fixed contract support costs is essential. Without this support, offsetting program reductions must be made, vacancies cannot be filled, and services must be reduced—all to make up for the shortfall.

The BIA reports that its CSC shortfall exceeded \$62 million in FY 2010, meaning full contract support cost requirements that year totaled \$228 million. Yet, the FY 2012 Budget requests only \$195.5 million, which would result in a \$33 million cut to tribally-operated BIA programs next year. *Based on this data, NCAI recommends the BIA CSC line item be increased to \$228 million.*

Tribal Grant Support Costs (TGSC) for Tribally Operated Schools

The operation of schools by tribes or locally elected tribal school boards is a major exercise of tribal self-determination, encouraged by federal Indian policy for the last 35 years. Tribes and tribal organizations that exercise this option are entitled by law to receive Tribal Grant Support Costs or TGSC (formerly known as Administrative Cost Grants) to cover the administrative or indirect costs incurred when they take over a school. In FY2010 the funding available for TGSC met only 60 percent of need, the lowest rate to date. ***For current contract and grant schools, \$70.3 million should be appropriated to fully fund TGSC need, with an additional \$2 million to fund the administrative needs of those schools that convert to contract or grant status in FY2012, to avoid diverting funds from existing tribally operated schools.***

Bureau of Indian Affairs, Overall

The Administration and Congress have listened to the calls from tribes to provide meaningful increases to BIA overall in FY 2010. Efforts have also been made to address tribal priorities in the FY 2012 budget in the face of overall budget constraints. The FY 2012 budget request includes increases for natural resources, law enforcement and courts, and contract support costs. However, from a broader view, BIA and tribes continue to receive less funding in the President's budget requests (and in reality) relative to other bureaus and agencies in the Department of the Interior. For instance, the President's FY 2012 budget requests an increase of \$138 million for the National Park Service (NPS), an increase of \$48 million for the Fish and Wildlife Service (FWS), and a decrease of \$119 million for the BIA. Additionally, over the last nine fiscal years the budget for the FWS has grown by 30 percent; NPS by 28 percent; U. S. Geological Survey by 19 percent; Bureau of Land Management by 13 percent. Meanwhile, the BIA has seen an increase of only 8 percent. ***NCAI and tribal leaders recognize and appreciate that reductions to Indian Affairs funding could have been steeper, but urge this committee and appropriators to reverse this disproportionate funding trend (relative to other agencies) and provide an increase to the overall BIA budget to support tribal self-determination and communities throughout Indian Country.***

Indian Guaranteed Loan Program – The President's budget includes a reduction to this program of \$5.1 million. The Indian Guaranteed Loan Program is a very successful program. It is leveraged money so it makes no sense to cut money that represents a ten to one financing for tribes. Cutting \$1 million is the same as cutting \$10 million. These are guarantees which went unused; however the issue was not with tribes not utilizing the funds but with Interior not getting them out. The individual business program utilizes a 10:1 funding ratio, meaning a \$10 million investment could guarantee \$100 million in business loans. This has worked well for individuals; however, tribes with limited resources willing to develop community-wide businesses and grow their local economies have to turn to the bond market for financing. The market, along with the rating agencies, has not gauged tribal risk effectively, making capital expensive or non-existent. Guaranteed financing is needed for tribal development projects. This applies to loans and surety or performance guarantees, which have a lower 3:1 ratio. The surety guarantees are needed because the surety bond industry excludes tribally-owned construction companies in underwriting. ***NCAI requests that Congress restore funding for the Indian Guaranteed Loan Program for FY 2012.***

Mr. SIMPSON. Thank you. You notice how I just moved right down——

TUESDAY, MAY 3, 2011.

FRIENDS OF INDIAN HEALTH

WITNESS

PAMELA DETERS

Ms. DETERS. Good afternoon, Chairman Simpson and other committee members. I am Dr. Pam Deters. I am an American Indian of Cherokee and Choctaw heritage. I am a clinical psychologist practicing in Louisiana and Mississippi. I am also currently the president of the Society of Indian Psychologists whose mission is to advocate for the mental well being of Native American people. And I am a proud member of the American Psychological Association.

My expertise is in trauma among Native American children, families, and communities with an emphasis on cultural revitalization and resilience. My people have experienced an extensive history of intergenerational trauma and oppression, including numerous atrocities such as forced assimilation, genocide, compulsory enrollment in boarding schools, involuntary relocations of entire tribal populations, and the resulting loss of culture and traditional practices.

As a professor at the University of Alaska, my research entailed visiting remote Alaska Native villages and witnessing the devastation of families and communities due to youth suicide, alcohol and substance abuse, poverty, and the loss of traditional ways and culture. But I have also witnessed the emergence of wellness programs where communities work to restore and revitalize native culture, language, dance, and traditional healing practices. I have served as a statewide director of Alaska Natives into Psychology, which is a training program supporting American Indian and Alaska Native students pursuing careers in psychology. I am committed to and I am passionate about the importance of training native students to return to their own reservations and their villages to heal the physical and mental ills of our people.

Today, I am representing the Friends of Indian Health, which is a coalition of health organizations dedicated to improving the health of American Indians and Alaska Natives. The Friends thanks the committee for the additional funding in the 2010 bill and for maintaining these levels in the continuing resolutions. The increased support will help provide care without interruptions or reductions. The Friends supports the administration's proposed 2012 funding level for the Indian Health Service of over \$4 billion. This level recognizes the need to close the health disparity gaps experienced by native people.

However, there are priority areas that, if not addressed, will continue to overwhelm IHS. The most urgent of these is contract health services. In 2010, over 168,000 contract health services were denied. The root cause of this issue lies in the IHS and Tribal delivery system. The IHS and Tribes operate at over 600 locations, the majority of which provide primary medical care but depend on

the private sector for secondary and tertiary care. This situation is not going to change. Therefore, the request for contract health services funds needs to be realistic. The administration's request for over \$948 million is significant but a more realistic amount would be over \$1 billion.

The Friends strongly supports prevention and early treatment programs to reduce the need for contract health services, but that depends on a sufficient workforce. Filling vacancies through loan repayment has proven to be the best recruiting and retention tool for IHS. The average retention period for IHS loan repayment recipients is over seven years. Therefore, the Friends have concerns about the administration's loan repayment request, which is \$178,000 less than current funding and will result in 33 fewer contracts. Before loan repayment can be offered, dedicated and qualified healthcare professionals have to be recruited. A year ago, the IHS director commissioned a report on recruitment and retention. The Friends strongly believe that if the recruitment process were improved, it would have a positive effect on filling vacancies. We urge the committee to encourage the service to put into action recommendations from the director's report.

IHS also needs a strong network of both clinical and support staff. These positions are usually filled by tribal members providing a very important cultural link to patients. However, the salaries for some of these needed positions are so low that facilities cannot attract sufficient staff. The Friends urges the committee to seek a report on the effect of the outdated 600 series pay scale on employee recruitment and retention and what actions need to be taken to finalize a new pay scale.

The Friends are encouraged by the administration's request because it will help eliminate health disparities faced by Native Americans, but we also encourage the committee to go beyond the administration's proposal to ensure that IHS is fully staffed so that it can raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest levels possible.

The Friends thanks the committee for the opportunity to testify today and we look forward to working with you on these issues. Thank you again.

[The statement of Pamela Deters follows:]

Friends of Indian Health
Interior Appropriations Committee May 3, 2010

Good Morning Chairman Simpson, Ranking Member Moran and Committee Members. I am Dr Pamela B. Deters. I am a member of the Cherokee/Choctaw tribe.), a licensed Clinical Psychologist currently in private practice in Louisiana and Mississippi. I am also the President of the Society of Indian Psychologists whose mission is to provide an organization for Native American people to advocate for their mental well being by increasing the knowledge and awareness of issues impacting them. I am also a proud and active member of the American Psychological Association.

My expertise is in the area of trauma among Native children, families, and communities, with a particular emphasis on cultural revitalization and resilience subsequent to trauma. I have also served as the Statewide Director of Alaska Natives into Psychology, a training program supporting American Indian and Alaska Native graduate and undergraduate students pursuing careers in psychology.

Today, I am representing the Friends of Indian Health – a coalition of over 50 health organizations and individuals dedicated to improving the health care of American Indian/Alaska Natives (AI/ANs) to the highest levels.

The Friends thanks you, Mr. Chairman, and the Committee, for the additional IHS funding secured in the FY 2010 appropriations bill and for maintaining these funding levels in the continuing resolutions that the 112th Congress has addressed. The increased support will help provide needed services without interruption or reductions.

The Friends supports the Administration's proposed FY 2012 funding level for the IHS of \$4,623,808,000, a 14.1% increase. This level is recognition of the great need that still exists to close the gap in disparity of disease and care for AI/AN people. We understand the financial strains that the Committee is under, however, as a representative of health care organizations we want to take this opportunity to identify high priority areas that if not addressed will continue to burden and overwhelm the Indian Health Service.

The most urgent outstanding need of AI/ANs is contract health services. Patients requiring cancer treatments, surgeries, treatment for injuries and additional mental health services need medical care that cannot be provided in IHS or Tribal facilities. In FY 2010, over 168,216 contract health services were denied.

The root cause for this situation lies in the IHS and Tribal delivery system. The IHS and Tribes operate at over 600 locations, which include 45 hospitals, only 19 of which have operating rooms. The majority of facilities mainly provide primary medical care and they must depend on the private sector for secondary and tertiary care. The need to rely on private care is not going to change. In fact, the IHS has plans to convert five hospitals to ambulatory health centers with no inpatient services. Therefore, the request for contract health services funds need to be realistic. The Administration's budget would raise this account to over \$948 million but even that amount doesn't cover all of the need which could be over \$1 billion.

The Friends has for many years advocated for additional funding for prevention and early treatment programs to reduce the need for contract health services. But to implement them, the IHS has to have a sufficient health care provider workforce. Filling vacancies through loan repayment has proven to be the IHS' best recruiting and retention tool. In FY 2009, the IHS had 917 requests and awarded 426 new contracts and 197 one year extensions. We are pleased to see that almost 200 providers wanted to continue their IHS service beyond their original loan repayment obligation because this helps to build a steady workforce and provides continuity of care. In 2008, the IHS reported that the average retention period for loan repayment recipients was over seven years.

The IHS did not report in its FY 2012 budget justification the number of loan repayment requests or the number denied, so it is hard for the Friends to determine the level of need. However, we have concerns about the Administration's request of \$21,159,653 which is \$179,231 less for loan repayment than current funding and will result in 33 fewer contracts.

We remain greatly concerned that instead of increasing this account, the IHS is decreasing it. Because of the nation's fiscal crisis more graduating health professionals are looking to the public health service as alternatives to private practice. We believe, therefore, that this is an ideal time for the IHS to increase this account in order to have a sufficient workforce. Several years ago, we advocated that the Committee commit an additional \$20 million over four years for loan repayment. The Committee included an initial \$5 million in FY 2008 but the account has not kept up with meeting this goal. **The Friends encourages the Committee to resume this funding goal and work toward adding an additional \$15 million for the loan repayments account.**

Before loan repayment can be offered, dedicated, qualified health care professionals have to be recruited. While some of the IHS divisions are very effective at recruitment, others are not. Equally disturbing are reports that interested candidates are not pursued by the Service or, once interviewed and accepted, are not readily processed. Anecdotal accounts claim that delays in hiring can take up to six months and, as a consequence, qualified personnel take positions outside the IHS. A year ago, the IHS Director commissioned a report on recruitment and retention. We were very pleased to see this action because the Friends strongly believe that if the recruitment process were improved it would have a positive effect on filling vacancies. **We urge the Committee to encourage the Service to put into action recommendations made in the report.**

The IHS also needs a strong network of both clinical and support staff. These are staff members who have completed health education training and are capable of providing needed patient care and health education services. These positions are usually filled by Tribal members, providing a crucial cultural link to patients. However, the salaries for some of these positions are below clerical positions; a receptionist earns more than a dental assistant. An experienced nurse midwife will take a 50 percent pay cut and an experienced nurse practitioner or physician assistant will take a 30 percent cut to work in the IHS. Licensed Practical Nurses (LPNs) in Oklahoma are paid more at Wal-Mart than at an IHS facility.

This situation could be improved if the Office of Personnel Management (OPM) would release its recommendation for a new GS 600 Series pay scale, something it has been working on for eight years. **The Friends strongly urges the Committee to seek a report on employee recruitment and retention that determines the effect of the outdated 600 series pay scale and what actions by the IHS and OPM are needed to finalize a new pay scale.**

In conclusion, the Friends is encouraged that the Administration is seeking additional funding that will help eliminate health disparities faced by AI/ANs. We have included below specific health statistics that if addressed would reduce the disparity of disease for AI/ANs and lead to cost savings. We encourage the Committee to do what it can to support and go beyond the Administration's FY 2012 budget proposal to assure that the IHS is fully staffed and will allow it to fulfill its mission to "raise the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest level." The Friends thanks the Committee for the opportunity to testify today. We look forward to working with you to strengthen the IHS health infrastructure and decrease mortality and morbidity rates of American Indians and Alaska Natives.

Appendix A

Women's Health

- Although AI/AN women across Indian country have lower cancer death rates than U.S. citizens of all races, in Alaska and the Northern Plains, the cancer death rates for AI/AN women are 22% and 42% higher, respectively, than for U.S. citizens of all races.
- The 2002 U.S. prevalence of diagnosed diabetes in women 20 and over was 7.1%. For AI/AN women, it was 15.9%, more than double, the rate. This disease increases complications in childbearing, and elevates the risk that their children will also become diabetic.

Children's Health

- More than one-third of the nation's AI/AN population is under the age of 15, and the health of these children consistently lags behind other populations. For example, the SIDS rates among AI/AN infants are nearly twice that of the general population.
- AI/AN children are more than twice as likely to die in the first four years of life than the general population, and remain twice as likely to die through age 24.
- The rate of type 2 diabetes among AI/AN teens aged 15-19 has increased 109% since 1990.

Mental Health

- Inadequate mental health and substance abuse services contribute to a suicide rate for AI/AN that is about 1.7 times the rate for all races in the U.S.; the suicide rate for males 15 to 34 years of age is over two times the national rate.
- The suicide rate for Indian people is 60% higher than the general population.
- Studies have shown that 69.9% of all suicidal acts (completions and attempts) in AI/AN country involved alcohol use.

Kidney Disease

- American Indians have one of the highest rates of irreversible kidney failure (end stage renal disease, or ESRD) of any population, nearly four times the rate of ESRD for white Americans.

- Diabetes is the leading cause of ESRD and its impact on Native Americans is pronounced. It is the primary cause of chronic kidney failure in fewer than 40% of all Americans, but nearly two-thirds of Native American cases of ESRD. Pima Indians in Arizona are thought to have the highest rate of kidney failure in the world, and 90% of cases of ESRD in this tribe are attributable to diabetes.

Diabetes

- Today diabetes has reached epidemic proportions among AI/ANs. According to 2005 data, 14.2% of the AI/ANs aged 20 years or older who received care from the IHS had diagnosed diabetes. After adjusting for population age differences, 16.5% of the total adult population served by IHS had diagnosed diabetes, with rates varying by region from 6.0% among Alaska Native adults to 29.3% among American Indian adults in southern Arizona.
- AI/ANs carry the heaviest burden of diabetes in the United States, suffering from among the highest rates of diabetes in the world. In some American Indian and Alaska Native communities, diabetes prevalence among adults is as high as 60%.

Podiatric Medicine

- Lower extremity amputation (LEA) is one of the most disabling complications of diabetes.
- More than 60% of non-traumatic lower-limb amputations occur in people with diabetes.
- Each year 71,000 people lose their feet or legs to diabetes. Amputation rates among Native Americans are 3-4 times higher than the general populations.
- Comprehensive foot care programs can reduce amputation rates by 45% to 85%. (Source: CDC).

Vision and Eye Health

- A recent three year study of Navajo people (the largest Native population) revealed that within the prior two years only about 33% had an eye exam and that only 20% had visual acuity good enough to qualify for a driver's license, even with their present eyeglasses.
- With the high rate of diabetes, it is imperative that timely detection and treatment be available in Indian country. Diabetic retinopathy occurs in 24.4% of Oklahoma Indians.

Oral Health

- 79% of AI/AN children aged 2-5 years had a history of tooth decay
- 78% of AI/AN adults 35-44 years old and 98% of elders 55 years or older had lost at least one tooth because of dental decay, periodontal (gum) disease or oral trauma.

Pharmacy

- Pharmacists play an important role in disease state management, particularly the monitoring of patients suffering from diabetes and other chronic diseases.
- Native Americans benefit from the role of the IHS pharmacist which emphasizes proper medication management and improving patient adherence.
- Through the pharmacy residency training program, now in 17 sites, the IHS plays a significant role in the education of pharmacists interested in pursuing careers in the IHS.

Cardiovascular Disease (CVD)

- While the general U.S. population has seen a 50% decline in cardiovascular mortality, mortality rates among the AI/AN population are rapidly and dramatically increasing.
- CVD is the leading cause of death among AI/ANs and is double the rate of the general U.S. population.

Mr. SIMPSON. Thank you. Go ahead.

TUESDAY, MAY 3, 2011.

**NATIONAL TRIBAL CONTRACT SUPPORT COST
COALITION**

WITNESS

LLOYD B. MILLER

Mr. MILLER. My name is Lloyd Miller. I am with the Sonosky, Chambers Law Firm, but I am here today as counsel to the National Tribal Contract Support Cost Coalition. You have heard a lot of testimony today about contract support costs. That issue is relevant because over one-half of the Indian Health Service and over one-half of the Bureau of Indian Affairs has been turned over to tribal operation under Indian Self-Determination Act contracts.

Now, I have been practicing law for 33 years. I have been practicing government contract law for over 30 years. I can tell you without fear of contradiction that there is no other area in government contract law where the government can underpay a fully-performed contract. It does not exist. But somehow, when it comes to Indian affairs, a contract with an Indian tribe is underpaid regularly by the Indian Health Service or by the Bureau of Indian Affairs and there is no recourse. This was not supposed to be the way the act would be implemented.

In 1988, there had been hearings in Congress about how the act was being run and these contracts were, at that time, being viewed as grants, which would fairly describe the situation I just described. And Congress was frustrated with the process and amended the act to require that these instruments would thereafter be contracts, that they would be binding under the Contract Disputes Act. Over 400 times in this statute the word "contract" was used. They were made enforceable. The secretaries were told they have to add the full amount of the contract support cost to the contract. And in 2006, the Supreme Court and the Cherokee Nation and Shoshone-Paiute Tribes case ruled in favor of the Shoshone-Paiute Tribes, and the Cherokee Nation held the Indian Health Service liable for underpaying the contracts saying no other government contractor would be treated this way, neither should the tribes.

Now, there are two reasons why we are here. One is that there is a line-item cap in the Appropriations Act which you never see anywhere else when it comes to government contracts. You do not see a line-item cap capping the amount of a contract to supply food to our troops in Afghanistan to the ABC Corporation that is providing food on a particular base. You do not see that. But when it comes to Indian tribes, there is a cap in the Appropriations Act. And in fact the first solution would be to remove that line item.

Secondly, of course, as Jackie alluded to and testified in support of the amount has to be budgeted correctly. And the full amount that the Indian Health Service tells us is required is \$615 million. What is really quite shocking in the Indian Health Service budget justification is the statement that at the funding level requested, there will be \$153 million shortfall in paying the contracts. This,

too, is unheard of. You will not find any place in the government contracting regime, which is largely Defense Department oriented, where an agency comes to the appropriators and says, by the way, we are asking you for a dollar amount that will lead to \$100 million less than what we owe Boeing or General Electric. It is just the opposite. They budget fully and if they end up short, they ask for a supplemental appropriation. Never in the history of the Indian Self-Determination Act has the BIA or the IHS ever come to Congress and asked for a supplemental appropriation.

The Indian Self-Determination Act has had the most profound effect on the growth of tribal governments, improvement in Indian healthcare, improvement in local employment, providing a base for future economic development, and it is true all over the country, whether where I hail from now in Alaska or where I came from this week and on the Chickasaw Reservation, all across Indian Country. The single greatest impediment to the success of that act has been the failure to pay contract support costs. That is actually a quotation from Senator Inouye in 1987 and it is still a true statement today.

The National Contract Support Cost Coalition respectfully urges that the committee finally end this abuse of contract rights by fully funding these contracts. If that is done, I can tell you three things that will happen. First of all, the programs that are transferred to hospitals and the clinics that are transferred to tribal operation will not be cut on account of a contract being awarded to a tribe. Remember, if you have a million-dollar clinic being run by the Indian Health Service and a million-dollar clinic run by the tribe next door, the tribe has \$800,000 to run the clinic. The Indian Health Service has \$1 million. That is not right. And the only reason that is so is because the contract support costs are not being paid in full, and therefore, the tribe has to take it out of their programs. These costs are fixed costs.

Removal of the line-item limitation and full budgeting at \$615 million are the solutions to the contract support cost dilemma for the Indian Health Service. As for the Bureau of Indian Affairs, Mr. Chairman, you are a hero. What you were able to do in the fiscal year 2011 process is remarkable and it may be that contract support costs over there are \$220 million from BIA contracts ends up being short, but if it is, it will be short by \$8 or \$10 million. We have never been that close to full funding since the act was passed in 1975, so thank you very much, Mr. Chairman.

[The statement of Lloyd B. Miller follows:]

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES ON THE FY 2012 BUDGET
May 3, 2011

Testimony of Lloyd B. Miller, Counsel, National Tribal Contract Support Cost Coalition

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP, of Washington, DC. I appear here today as counsel to the National Tribal Contract Support Cost Coalition, comprised of 20 Tribes and tribal organizations situated in 11 States and collectively operating contracts to administer over \$400 million in IHS and BIA facilities and services on behalf of over 250 Native American Tribes.¹ I am here to discuss the legal duty and urgent need to fully fund the “contract support costs” that are owed these and other Tribes performing contracts and compacts in FY 2012 on behalf of the United States pursuant to the Indian Self-Determination Act—specifically \$615 million for IHS contract support cost requirements and \$228 million for BIA contract support cost requirements.

No single enactment has had a more profound effect on more tribal communities than has the Indian Self-Determination Act. In just three decades Tribes and inter-tribal organizations have taken over control of vast portions of the BIA and IHS, including federal governmental functions in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a single Tribe in the United States is without at least one self-determination contract with each agency, and collectively the Tribes administer over **\$2.82 billion** in essential federal governmental functions, employing an estimated 35,000 people.

In the IHS Aberdeen Area, over 20% of the IHS budget is under contract to the Tribes. In Alaska, 100% of the IHS budget and most of the BIA budget has been contracted over to the Tribes. From the Navajo Nation to the Pacific Northwest to California, Tribes in 35 States have demanded their self-determination rights and secured control over IHS and BIA programs.

The ISDA has by any measure been a success unprecedented in the history of America’s relations with its Tribes. It has served not only to shift back to the Tribes the primary role of controlling and administering essential governmental services, but to reinvigorate those Tribal governments so they would be in a position to engage in meaningful economic and resource development to better their communities.

The ISDA employs a contracting mechanism to carry out its goal of transferring essential governmental functions from federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the Act requires that IHS and the BIA

¹ The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of the Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chippewa Cree Tribe of the Rocky Boy’s Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), SouthEast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and the Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

fully reimburse every tribal contractor for the “contract support costs” that are necessary to carry out the contracted federal activities. (Cost-reimbursable government contracts similarly require reimbursement of “general and administrative” costs.) Full payment of fixed contract support costs is essential: without it, offsetting program reductions must be made, vacancies cannot be filled, and services are reduced, all to make up for the shortfall. In short, a contract support cost shortfall is equivalent to a program cut.²

For years the Administration failed to request full funding for its contract support cost obligations, and the resulting shortfalls grew. The first major effort to address this deficiency in the past 10 years occurred in FY 2010, when Congress and the President supported a \$116 million increase to reduce the IHS contract support cost shortfall by about one-half, and a \$19 million increase to address BIA contract support cost shortfalls. The IHS increase, alone, will eventually restore 2,820 health sector jobs in Indian country. Even still, in FY 2010 these increases left a severe contract support cost shortfall well in excess of \$160 million.

Today IHS projects an FY 2012 shortfall in contract support cost payments of \$153 million. That means a \$153 million cut in tribally-contracted programs next year—not IHS-administered programs, but tribally-administered health programs alone—to cover the shortfall.

The BIA’s most recent projection of full contract support cost requirements is \$228.3 million (set forth in the BIA’s March 2011 shortfall report). Yet, the FY 2012 Budget requests only \$195.5 million, resulting in a required cut in tribally-operated BIA programs of \$33 million next year. Fortunately, the recently enacted FY 2011 Continuing Resolution raises the floor on contract support cost payments to \$220 million. According to the BIA, this should almost close the historic funding gap in paying these contracts.

It is not acceptable for the Administration to seek deficit reduction by singling out tribally-administered health and law enforcement programs for such grave cuts in essential governmental services. Indeed, Congress 23 years ago directed that the agencies “must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services,” S. Rep. No. 100-274, at 9 (1987). Yet, the practice continues.

Funding contract support costs in full will permit the restoration of Indian country jobs that have been cut while the shortfalls continue. The recent FY 2010 reduction in the contract support cost shortfall produced a stunning increase in Indian country jobs. For instance, last year the Cherokee Nation received close to \$8 million of its shortfall and restored 124 positions to the Nation’s health care system; the Forest County Potawatomi Community received about \$400,000 and added 13 positions; the Little River Band of Ottawa Indians received about \$300,000 and

² Contract Support Costs are the necessary costs of operating a federal program under contract. When the BIA and IHS operate these programs, the agencies have the benefit of their own bureaucracies and other agencies to support the programs with personnel and financial management systems, legal resources, procurement systems and the like, both from within their two Departments and from other departments like the General Services Administration and the Office of Personnel Management. Tribal contractors require similar resources to carry out contracted programs, as well as to meet mandatory federal requirements (including annual audits). They cover those resources with contract support costs. Most fixed contract support costs are set by government-issued indirect cost rates, with the rates issued based upon certified independent audits and adjusted based upon post-year audits.

added six clinical positions; the Riverside-San Bernardino County Indian Health consortium received \$2 million and restored 23 positions; and the Southcentral Foundation of Alaska received nearly \$9 million and restored 97 positions. Third-party revenues generated from these new positions will eventually more than double the number of restored positions, and thereby double the amount of health care that tribal organizations will provide in their communities. Similar increases occurred across many of the BIA contractors and compactors in FY 2010, though at far smaller numbers given the BIA's smaller CSC increase that year.

In FY 2012 the National Tribal Contract Support Cost Coalition recommends that: (1) the IHS contract support cost line be increased to \$615 million; and (2) the BIA contract support cost line be increased to \$228 million.

The status quo is not acceptable. First, at the Administration's proposed funding levels the combined projected contract support cost shortfall in FY 2012 for both agencies will exceed \$186 million. That means a \$186 million cut in tribal health, education, law enforcement and other contracted programs, representing over 3,600 jobs.

Second, the *status quo* penalizes Tribes for their self-determination contracting activities. Today, a \$1 million IHS-operated clinic has \$1 million to provide services. But a \$1 million tribally-operated clinic on average has only \$750,000 to serve the same community. That is a cruel and unfair burden to impose on the very Tribes that seek greater tribal self-determination.

Third, the continuing shortfalls have all but brought to a halt forward progress under the ISDA. For years, new IHS and BIA contracting activities have slowed to a trickle, and each agency is stuck at no more than 60% of its budget operated by Tribes. Congress's Policy of Tribal Self-Determination will not move forward until the CSC shortfalls are addressed.

Fourth, investing funds here is wise. No part of the IHS or BIA budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work.

Fifth, fully paying CSCs is legally required. The United States Supreme Court so held in the 2005 Cherokee Nation case. It is not a matter of writing a better law, but of honoring the law that Congress has already written.

Finally, it is a stain on America when the Nation honors to the penny all other government contracts, even when honoring those contracts demands supplemental appropriations, but not contracts with Indian Tribes. As much as law, policy, fairness and good sense, the Nation's honor demands that these contracts be paid in full for services duly rendered to the United States.

In addition to these recommended funding levels, the Coalition recommends that the Committee require both agencies to consistently project and budget the additional CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS program dollar, and 10.4 cents for each new BIA program dollar). The IHS did

this in its FY 2012 budget, but the BIA did not. Further, the Committee should reconcile the different language used in the IHS and BIA portions of the bill (language attached), eliminate the old "section 314" language (a useless vestige after the Cherokee case), and assure that each agency has an ISD Fund inside the overall CSC appropriation to address new contracting initiatives.

Thank you again for the opportunity to offer these recommendations.

SUGGESTED CHANGES TO IHS AND BIA BILL LANGUAGE
REGARDING CONTRACT SUPPORT COSTS

IHS Language:

Provided further, That, notwithstanding any other provision of law, of the amounts provided herein,

not to exceed [\$461,837,000] \$615,000,000

shall be for payments to tribes and tribal organizations for contract or grant support costs associated with ongoing contracts, grants, self-governance compacts, or annual funding agreements

between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, as authorized by such Act,

of which not to exceed [\$5,000,000] \$10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements

(proposed new language underscored;
stricken language in brackets or strike-outs)

BIA Language:

and of which, notwithstanding any other provision of law, ~~including but not limited to the Indian Self-Determination Act of 1975, as amended,~~

not to exceed [\$195,490,000] \$228,000,000

shall be ~~available~~ for payments for contract support costs associated with ongoing contracts, grants, compacts, compacts, or annual funding agreements ~~entered into~~

between with the Bureau of Indian Affairs and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, as authorized by such Act

, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements

TUESDAY, MAY 3, 2011.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH**WITNESS****D'SHANE BARNETT**

Mr. BARNETT. Good afternoon. My name is D'Shane Barnett. I am a member of the Sapushgo Hutay Clan of the Mandan Tribe of the Mandan, Hidatsa, and Arikara Nation of Fort Berthold, North Dakota and I am currently serving as the executive director of the National Council of Urban Indian Health, also known as NCUIH. On behalf of NCUIH's 36-member organizations and the 150,000 urban Indians that our programs serve each year, I would like to thank the committee for this opportunity to provide testimony addressing the urban Indian priorities for the fiscal year 2012 budget.

This year, NCUIH has five budget recommendations. First, NCUIH supports the National Indian Health Board's budget recommendation that the Indian Health Services funding be increased by \$735 million. We are encouraged by President Obama's proposed increase of \$571 million. However, if the Native American health delivery system is to truly fulfill the Federal Government's trust responsibility to native people, the Indian Health Service must be fully funded.

Second, NCUIH strongly advocates for a \$9 million increase to the Urban Indian Health program line item to address several years of near-flat funding due to the previous administration's attempts to zero out the program. In order to meet rising need, cost inflation, and to remain competitive in leveraging federal dollars with other private grants and funding opportunities, Urban Indian Health programs must receive an increase to our base funds.

Third, NCUIH opposes the proposed elimination of the IHS Small Grants programs. These competitively awarded grants provide our communities with essential health services that cannot be duplicated through other means. I will discuss the significance of these grants in just a moment.

Fourth, NCUIH opposes recent attempts to cut funding for community health centers. Community health centers provide comprehensive, culturally competent, quality primary healthcare services to medically underserved communities and vulnerable populations. Many of our member programs receive a significant portion of their funding through these 330 grants. Recent moves to slash funding for community health centers by nearly 60 percent would have a devastating impact on the most vulnerable members of our American Indian communities in urban communities at a time when they can least afford it. Already woefully underfunded, further cuts to our health centers would leave countless individuals with no other health options.

Finally, NCUIH opposes the recent moves to eliminate funding for the National Indian Health Board's cooperative agreement. NIHB is a vital partner in providing healthcare guidance and education to American Indian and Alaska Native people.

Regarding the Small Grants programs that I mentioned, the Indian Health Services fiscal year 2012 budget justification calls for

the elimination of nine Small Grant programs. These programs provide our communities with preventative health services which reduce the cost of healthcare in the long run by addressing threats to health before they result in the need for more expensive acute care. The elimination of these competitive grants has been justified on the basis of unsatisfactory results, but the evaluation report provided by IHS indicates that many of these programs have been successful and can serve as national models for future recipients of these grants.

Furthermore, many of the urban Indian grant recipients will have their funding eliminated halfway through the grant period, long before any evaluation of their effectiveness has actually been conducted. The elimination of these grants amounts to a \$1 million decrease in funding for Urban Indian Health programs, completely eliminating the President's net proposed increase in funding for Urban Indian Health programs over the fiscal year 2011 proposed levels.

These cuts undermine our ability to promote health and wellness, to prevent disease, sexual assault, and domestic violence, and to care for the elderly, women, and children in our community. With Urban Indian Health programs unable to provide these critical services, the burden will fall on the medical system where the costs to treat are far more expensive than for providing education and information. We need to maintain these grants so that we can help provide services to the most vulnerable members of the American Indian and Alaska Native population.

Regarding NIHB's cooperative agreement, the National Indian Health Board advocates on behalf of all tribal governments and American Indians and Alaska Natives in their efforts to provide quality healthcare. The IHS budget justification proposes eliminating the NIHB cooperative agreement, which would result in marginal savings while making it even more difficult to achieve IHS's stated goal of eliminating health disparities. In order to share resources and reduce costs, NCUIH and NIHB have concluded a memorandum of understanding which provides for the sharing of time and resources between the two organizations. Eliminating support for NIHB will therefore have negative consequences for NCUIH, hindering our efforts to work with a crucial partner in providing guidance and education regarding the provision of healthcare to American Indians.

In conclusion, I would like to thank all of the committee members for this opportunity to testify on the budget priorities for urban Indians. Congress has long supported the Urban Indian Health program since its inception in 1976 with the original Indian Healthcare Improvement Act. While we are encouraged by the bipartisan support we have received during the past appropriations cycles, ongoing economic hardship, as well as demographic factors have placed an increased demand on our health programs. It is the position of NCUIH that the Urban Indian health line item should receive an increase, the competitive small grants should continue to be made available, that funding to HRSA should be protected and maintained, and that our partner, NIHB, should continue to receive the critical funding provided by their cooperative agree-

ment. The time has come to seriously invest in the health of all Native Americans. And we thank you for this opportunity.
[The statement of D'Shane Barnett follows:]



**Testimony of D'Shane Barnett, Executive Director
National Council of Urban Indian Health
House Interior Appropriations Subcommittee's Native American Witness Day**

May 3rd, 2011

Introduction: On behalf of the National Council of Urban Indian Health (NCUIH), its 36 member organizations and the 150,000 urban Indian patients that our programs serve annually, I would like to thank the Interior Appropriations Subcommittee for the opportunity to provide testimony addressing the FY2012 Budget. NCUIH strongly urges the full funding of the Urban Indian Health Program (UIHP).

According to the 2000 United States Census, over 60% of AI/AN population currently live in urban centers. However, the division between an urban Indian and a non-urban Indians is a false dichotomy. Originally, Native Americans were forced to urban locations during the Termination and Relocation era due to economic pressures and the federal policy of the time; however, now most Native Americans transition between their tribal homes and the urban centers depending upon their needs and the needs of their families¹. The UIHP is there to provide health care for AI/AN patients when they live in urban settings, thus helping to form a complete circle of care with tribal and IHS health providers. Fulfilling its role in the circle of care for AI/AN patients, UIHPs provide culturally competent, non-duplicative health services to more than 150,000 enrolled members of federally recognized Tribes.

Congress has consistently acknowledged the government's trust responsibility extends to AI/AN patients living in urban settings. From the original Snyder act of 1921 to the Indian Health Care Improvement Act (IHCIA) of 1976, and its Amendments, Congress has consistently found that: "The responsibility for the provision of health care, arising from treaties and laws that recognize this responsibility as an exchange for the cession of millions of acres of Indian land *does not end at the borders of an Indian reservation*. Rather, government relocation policies which designated certain urban areas as relocation centers for Indians, have in many instance forced Indian people who did not [want] to leave their reservations to relocate in urban areas, and *the responsibility for the provision of health care services follows them there*."²

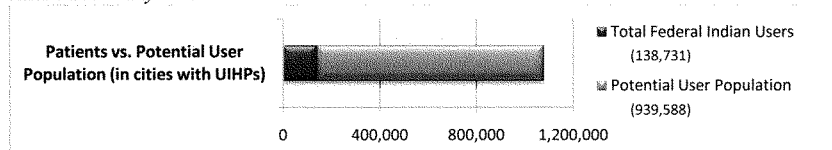
History of Bipartisan Congressional Support: Congress has overwhelmingly rejected attempts by the previous Administration to zero-fund the UIHP. Congress restored the UIHP in the FY07, FY08, and FY09 budgets, and included strong report language in the FY07 and FY08 reports

¹ See *United States v. Raszkwicz*, 196 F.3w 459, 465 7th Cir. 1999, stating: "[the] patterns of cross or circular migration on and off the reservations make it misleading to suggest that reservations and urban Indians are two well-defined groups."

² Senate Report 100-508, Indian Health Care Amendments of 1987, Sept 14, 1988, p25. Emphasis added

supporting the UIHP³. The Obama Administration has already expressed a deep concern on Native American health, as demonstrated by the \$600 million increase to IHS funding in the President's outline of his FY2012 budget. It is the fervent wish of Native Americans everywhere that Congress support President Obama in fully funding IHS. NCUH hopes that Congress can again come together in a bipartisan fashion to fully fund not only the Indian Health Service, but also fully fund the UIHP at its full level of need.

Unmet Needs of Urban Indians: While the UIHP serves over 150,000 Native Americans annually, there remains a huge unmet need in Urban Indian communities. The last needs assessment for the Urban Indian community was conducted in 1981, nearly 30 years ago. Based on that ancient data, the UIHP is serving approximately 22% of the entire need for the Urban Indian community. Without a doubt the need for the UIHP has grown since 1981. For example, the estimated potential user population of the UIHP is almost 1 million people, and that's just in cities that *already have* UIHPs.



In light of this data, NCUH urges the Committee to increase funding to UIHP line item by at least \$9 million dollars over FY2010 levels. Minor increases to the UIHP's budget by Congress not kept up with ordinary inflation, much less medical inflation. Thus, the purchasing power of UIHP programs and clinics has steadily decreased for most of the past decade. Cuts to Medicaid and Medicare reimbursement rates and CMS regulations limiting reimbursements to outpatient providers have also negatively impacted the UIHP clinics. With an economy struggling to emerge from the recession and unemployment rates at historically high levels, many clinics are reporting increased patient loads that are straining their already tight budgets. Health care costs are one of the primary reasons for individual bankruptcy filings. If AI/AN patients are unable to receive care at UIHP clinics and programs the likelihood that they will be forced into bankruptcy increases, which then increases the likelihood of their return to their home reservations, thus straining tribal budgets and social services.

Leveraging Funding: UIHP clinics and programs are adept at leveraging their Title V funding to obtain additional dollars from other federal, state, and local sources. The original investment of IHS' monies allocated through Title V of IHCIA provides the base funding that allows UIHP clinics and programs to build upon their capacity to reach new patients and provide more services. As a general rule the 36 programs and clinics of the UIHP are able to leverage two new dollars for each dollar of original investment. The ability of the program to effectively seek out additional funding by leveraging the base funding from IHS makes the UIHP a sound investment as a social program. Some of the other sources of funding are shown in the chart below:

³ House Report 109-4665; House Report 110-187; H.R. 1106



Although UIHP clinics and programs have been very adept at leveraging their IHS dollars, they are not able to do so without that core funding. The UIHP line item provides the basis of the program; without it the programs would not be able to compete for other private and federal grants. However, when that base funding is insufficient to maintain core services the competitiveness of UIHP clinics and programs for other private and federal grants is badly damaged. When the competitiveness of the UIHP is damaged it is ultimately the patients who suffer.

Community Health Centers: For more than 40 years, HRSA-supported Community Health Centers have provided comprehensive, culturally competent, quality primary health care services to medically underserved communities and vulnerable populations. CHCs are community-based and patient-directed organizations that serve populations with limited access to health care. Recent moves to slash funding for CHCs by nearly 60% would have a devastating impact on the most vulnerable at a time when they can least afford it. NCUIH strongly opposes cuts that would have a calamitous impact on the provision of care to medically underserved populations living in areas determined to be health provider shortage areas. Already woefully underfunded, further cuts to CHCs would leave countless individuals with no other health options.

Health Promotion/Disease Prevention and Sexual Assault/Domestic Violence Grants:

Health Promotion/Disease Prevention grants are an integral part of many UIHP's infrastructure funding. And for many UIHPs, HP/DP and SA/DV grants provide the only source of funding for mental health and substance abuse services for adults. The proposed elimination of these "small grants" will leave a huge hole in the provision of health care for urban Indians, and would impair the development of "patient centered care teams" as required in the Affordable Care Act. These critical grants must be maintained in order to fulfill UIHP's obligations to the communities they serve, and NCUIH strenuously recommends their continued availability to UIHPs. Grants such as these are a wise investment in the long-term health of urban Indians – lowering health care costs in the long-term and addressing medical issues before they require more expensive emergency care.

Top Priorities of the UIHP: As part of comprehensive survey of the UIHP, NCUIH requested its member programs to submit a list of health priorities for the next fiscal year. Those priorities listed below:

Service Priority
Traditional Medicine
Behavioral Health
Dental Services
Maternal & Child Health
Women's Health

Mr. SIMPSON. Thank you. Lloyd, you mentioned in your testimony eliminating the line item of contracts for—would you eliminate the line item entirely or you would eliminate the cap on the line item?

Mr. MILLER. Eliminate the cap on the line item. By taking out the capping language, then the contracts would be paid out of the lump sum appropriation like all other government contracts are paid. In fact, all of the Indian Health Service's other contracts because they have many other contracts are paid out of their lump sum appropriation. And that is the situation that prevailed until about the year 2000, 1999 when the cap started coming into play. So they came into play because courts had held the Indian Health Service liable for failing to pay the contracts.

Mr. SIMPSON. Are they—the contract support, is it not met because of duration of payment or amount of payment? Do you understand what I am getting at?

Mr. MILLER. I am not sure. It is not met because of the amount of payment. The contract support costs themselves are actually set by the government. It is set by a different agency; usually the National Business Center sets the indirect cost rates. Then, the tribes have to incur at that rate. If they do not, they owe the money back to the government. And these are fixed costs. These are property insurance, liability insurance, audit costs, and so forth. So they have to be incurred. They are fixed costs. The sum does not change from year to year. They are fixed. Pretty much 25 percent of the program amount is the amount owed in contract support costs.

Mr. SIMPSON. There is a saying that, I think I read an article by Tom Coburn that said if you are going to get sick in Indian Country, get sick before June—

Mr. MILLER. Yeah.

Mr. SIMPSON [continuing]. Something like that? Interesting. I am glad we were able to do something about that this year and we will continue to work on it because it is very important. We do have obligations that I think we have to meet. Jacqueline, you mentioned the overall appropriation for Interior—

Ms. JOHNSON PATA. Um-hum.

Mr. SIMPSON [continuing]. And you are right. I agree with you fully. I think the allocation for the Interior Department has been insufficient over a number of years, and then when you look within the different bureaus within the Department of Interior, that is an amazing little graph where Fish and Wildlife Service has gone up 30 percent in the last eight years, the National Park Service, 28 percent or so, and BIA is down there at 8 percent. In the last couple of years, we have done a pretty good job of trying to catch up, but that means it must have been really ugly prior to that.

Ms. JOHNSON PATA. We do have some other graphs that we would be glad to share with you where we have charted out like just cost-of-living increases and what it has looked like for, you know, the last decade or so for BIA and Indian funding I think would be very helpful for you to see.

Mr. SIMPSON. Good. Well, I appreciate it. Dr. Neary, now, something I know something about having been a dentist in the real world. Four hundred percent higher decay rate in Native American tribes than in the general population?

Mr. NEARY. Yes, that is correct.

Mr. SIMPSON. What does the research show on that? Why is that? I mean the molecular makeup of the enamel has got to be fairly similar, is it not?

Mr. NEARY. It is not.

Mr. SIMPSON. Really?

Mr. NEARY. The early childhood caries studies—there were two symposia because the first one was so confusing that everybody had to take a hard look at it. But there is a congenital defect in the enamel of many Native American children. It is probably acquired in the third trimester of pregnancy or immediately after birth. So they have increased enamel hypoplasia.

Mr. SIMPSON. Really?

Mr. NEARY. It is a common occurrence in malnourished populations, fetal trauma, maybe even birth trauma, so it affects the development of incisors and first molars typically, you know, which primary teeth would be developing at that time. You take those predisposing factors, the hypoplastic enamel becomes a culture medium for strep mutans, so they start growing increased numbers of known cariogenic pathogens. Once the established colonies are formed, they start to dominate, so you get a much higher incidence of strep mutans in these children who are affected than you do in the general population. What you superimpose on that, then, is dietary factors and things.

Mr. SIMPSON. Right.

Mr. NEARY. Aside from native populations, the military is finding that non-Indian caries-resistant U.S. troops who go to the desert in Iraq consuming a great deal of Dr. Pepper and Mountain Dew in particular, so they are 20-year-olds who were caries-resistant for their whole lives and one-year deployment in Iraq they start getting tooth decay.

Mr. SIMPSON. Really?

Mr. NEARY. So you have the dietary thing, increased consumption of sugar beverages because you are in desert environment superimposed on this high susceptibility which is perinatally acquired—probably—susceptibility. So there is more to it than just negligence or, you know, careless maintenance.

Mr. SIMPSON. That may be more than any of you want to know about dental care, but I find it kind of interesting because I happen to know a little bit about it. But thank you for the work that the ADA does in trying to make sure that Indians have access to dentists. And that is, as we have talked about in the past, a problem on many reservations and particularly in Alaska, as Don and I have talked about, trying to get dentists out to some of these tribes that are in very, very, very remote places is sometimes very difficult. And I know the ADA has worked hard to make sure that we have qualified and quality dentists out in those areas, and we will continue to work with the ADA. But I appreciate the work that the Association has done in trying to address that problem.

Mr. NEARY. Thank you very much.

Mr. SIMPSON. Thank you all for your testimony. I appreciate it very much. Now, we have the Honorable Don Young here and Jerry Isaac, Ted Mala, and Andy Teuber. Is it like tuber?

Mr. TEUBER. Yes.

Mr. SIMPSON. Well, that is like an Idaho spud. We call them tubers. This is what we will call the Alaska panel.

Mr. YOUNG. Mr. Chairman, thank you. And it is my honor to introduce the three witnesses who will be here today. First, we have Jerry Isaac, President of the Tanana Chiefs. The Tanana Chiefs Conference is a traditional tribal consortium of 42 villages. President Isaac has been active in the Tanana's tribal and community affairs, served as the president Tanana Tribal Council from 1980 until he was elected as TCC president in 2006. Jerry Isaac was born and raised traditionally by a family teaching him essentials in culture and language in Tanacross, Alaska, which also produced some of the finest-looking ladies in the country, too.

Dr. Ted Mala, Director of Tribal Relations, Traditional Healing Clinic, Southcentral Alaska; Southcentral Foundation. Southcentral is an Alaska Native Health Consortium that serves the Anchorage area as well as 55 villages. Dr. Mala received his Doctor of Medicine and Surgery (MD) from the Autonomous University of Guadalajara in 1976, has a Master's Degree in Public Health from Harvard University in 1980. He actively pursued his career in public health and health administration both in Alaska, as well as internationally in the circumpolar countries. Dr. Mala is an Alaska Native Inupiat Eskimo enrolled in the Village of Buckland, as well as the Northwest Arctic Native Association.

We now have Andy Teuber, Chairman and President of Alaska Native Tribal Consortium. The consortium serves 138,000 Alaska Natives and American Indians residing in Alaska through the partnership in Alaska Native Medical Center, Alaska's Level II Trauma Center. The Consortium employs nearly 2,000 people and operates over \$400 million in annual resources to deliver care as well as rural infrastructure development and engineering. And he serves as the president and CEO of Kodiak Area Native Association.

Mr. Chairman, may I say this is one of the finer groups of people representing health in Alaska. We have made great progress. We have a lot further to go. And Mr. Chairman, may I say, thank you, too, for your work on the 2011 budget and our work for American Indians and Alaska Natives I think is crucially important. You have a great challenge ahead of you but I will back you up anywhere you can when it comes to trying to make sure health is provided to the American Indian and the Alaska Native because I think it is crucial. They do a good job. We can do a little better job with a little more understanding of what their intent is. So Mr. Chairman, with that, you have the panel.

Mr. SIMPSON. Well, thank you, Don. There is no more serious of an advocate for Native Americans, Indians, both in the lower 48 and Alaska than Don Young. And it has been my pleasure to work with you over the years to try to address some of those issues, and he is the one that keeps telling me we have responsibilities. We have treaty responsibilities and everything else. And a great Nation does not ignore those, so that is why I think we have done some of the things that we have been able to do in this last health bill. So thank you, Don. I appreciate it.

TUESDAY, MAY 3, 2011.

TANANA CHIEFS CONFERENCE**WITNESS****JERRY ISAAC**

Mr. ISAAC. Thank you, Mr. Chairman and members of the committee. Thank you for the honor of presenting testimony today. I also would like to thank Congressman Young for the introduction. I appreciate that.

As Congressman Young has introduced me, my name is Jerry Isaac and I am the president of the Tanana Chiefs Conference. The Tanana Chiefs Conference is an intertribal consortium of 42 Alaska Native Tribes located in the interior of Alaska. Our tribes occupy a largely road-less area of 235,000 square miles stretching from Fairbanks clear up to the Brooks Range and over the Canadian border. Our area is almost the size of Texas. Our tribes have authorized TCC to contract with the Bureau of Indian Affairs and with the Indian Health Services to operate their large number of federal programs and services for our tribal members. TCC does this under the authority of the Indian Self-Determination Act, contracting to operate federal programs which IHS and the BIA would otherwise operate for our tribes. We honor our bargain with the government by operating these federal programs and facilities year in and year out, but the government does not keep its bargain.

Specifically, the Indian Health Services does not honor its duty under our contracts to reimburse the fixed contract support costs that we incur in carrying out these contracts for the government. We work for so many tribes in such a high-cost environment, but every year the government shorts us by several million dollars in fully audited fixed costs.

The result is that we must cut into our programs to make up for the IHS's contract support costs shortfalls. In fact, even after our shortfall was reduced in fiscal year 2010 thanks to the President's and the committee's commitment to addressing this problem, IHS still left TCC short by \$3.2 million. That is \$3.2 million that we had to take out of the federal healthcare programs that we operated. That is \$3.2 million worth of desperately needed and already underfunded healthcare services that our tribal members had to go without. That is \$3.2 million that came out of our programs but not out of the IHS's bureaucracy or agency-operated programs, and this year, IHS will fail to pay us another \$3.2 million. For us, \$3.2 million could translate into 70 positions because we strive to leverage each dollar with another dollar from Medicare, Medicaid, or private insurance. This is an enormous amount of healthcare employment and services that we must cut from our IHS contract just to make up for the IHS's failure to pay us what it owes us.

IHS should not be able to short a contract that it has awarded and that we have performed. And the Agency should not be able to hide behind appropriations-backed language as an excuse for not honoring its contracts. It pays other contracts. It should pay our contracts, too.

TCC asks that the committee finally complete the work it began in fiscal year 2010 and clear the way toward full payment of con-

tracts we operate for IHS. The limitations in the appropriations acts should be removed and \$615 million should be budgeted for this activity. In this way, these IHS contracts will at long last be paid in full, just as the committee's work this year will permit the BIA in 2011 to pay its contracts in full for the first time in 15 years.

Thank you, Mr. Chairman, for the opportunity to present testimony today on the contract support cost crisis facing tribes and tribal organizations that contract to operate federal facilities and programs for the IHS and the BIA.

[The statement of Jerry Isaac follows:]

Tanana Chiefs Conference

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SUBREGIONS

UPPER KUSKOKWIM

McGrath
Medfra
Nikolai
Takatna
Telida

LOWER YUKON

Anvik
Grayling
Holy Cross
Shageluk

UPPER TANANA

Dot Lake
Eagle
Healy Lake
Northway
Tanacross
Tatlin
Tok

YUKON FLATS

Arctic Village
Beaver
Birch Creek
Canyon Village
Challiyitsik
Circle
Fort Yukon
Venette

YUKON KOYUKUK

Galena
Huslia
Kartag
Koyukuk
Nulato
Ruby

YUKON TANANA

Alatna
Allakaket
Evansville
Fairbanks
Hughes
Lake
Minchumina
Monley Hot
Springs
Minto
Nenana
Rampart
Stevens Village
Tanana

Hearing Before the House Subcommittee on Interior, Environment, and Related Agencies on the FY 2012 Budget May 3, 2011

Testimony of Jerry Isaac President, Tanana Chiefs Conference

My name is Jerry Isaac and I am submitting this testimony as President of the Tanana Chiefs Conference. TCC is an intertribal consortium of 42 Alaska Native Tribes situated in the interior of Alaska and spanning a largely roadless area of 235,000 square miles—almost equal to the State of Texas. I am submitting this testimony to address two specific issues relating to the FY 2012 Budget: (1) staffing for joint venture facilities; and (2) contract support costs. As my testimony explains, TCC believes that: (1) joint venture staffing should be increased by an additional \$25 million over the President's Budget, in anticipation of several JV projects coming on line in FY 2013, and (2) contract support cost funding to IHS should be increased to \$615 million, and to the BIA should be increased to \$228 million, in order to meet the agencies' legal obligations under their contracts and compacts with the Tribes.

Staffing for Joint Venture Facilities

Last year Tanana Chiefs Conference entered into a joint venture agreement with the Indian Health Service. Under the contract, TCC agreed to secure its own financing to build a new desperately needed facility in Fairbanks, Alaska to meet the growing needs of our villages. In return, IHS signed a contract agreeing to provide the funds necessary to staff the facility at 85% of capacity. (IHS says it does not staff any facilities at more than 85% of capacity). Under the joint venture agreement, TCC will continue to administer all IHS-funded health care in our region out of the new facility, operating under our self-governance compact.

The new facility will cost approximately \$72 million. All of this will be borrowed. As you can imagine, the debt service on these funds will be substantial. However, taking on this debt is feasible because once the facility is staffed and operational—as IHS has contractually committed to do—TCC make its debt payments out of program revenues.

In all of these respects, TCC is no different than many other Tribes and tribal organizations around the Nation that have in recent years benefited from the joint venture authority provided under Section 818(e) of the Indian Health Care Improvement Act: the Tribes secure funding to construct facilities which IHS

agrees are necessary and should be built but, which, as a practical matter, IHS cannot build due to severely limited construction appropriations.

I am deeply concerned that, when all of the joint venture facilities come on line in FY 2013, the increased required national appropriation for staffing (\$100 million) and associated contract support (\$25 million) will be too high for Congress to address at one time. For that reason, and because we need to start hiring in FY 2012 to be operational on October 1st, I strongly recommend that Congress consider adding to the FY 2012 Budget \$25 million of the staffing requirements for these joint venture projects. Either by this means or otherwise, it is imperative that the follow-on FY 2013 Budget include sufficient funds for IHS to fully meet its commitment that year to TCC and the other joint venture participants that will operate completed construction projects in FY 2013.

Honoring IHS's contractual commitment to Tribes and tribal organizations like TCC—a commitment upon which TCC has relied in the course of taking on substantial debt—must be IHS's first priority.

Contract Support Costs

The imperative to fully fund IHS's contract support cost requirements comes from the same source: binding government contracts that IHS has entered into with TCC and hundreds of other Tribes and tribal contractors across the country.

At the end of fiscal year 2010 TCC was suffering from a \$3.2 million shortfall in its contract support cost requirements with IHS. Had those funds been paid, TCC would have been able to fill or create over 70 positions. But because IHS failed to meet its contractual obligation to pay TCC's fixed costs incurred to operate IHS's programs, TCC had no choice but to cover those fixed costs by diverting direct service funds. Positions were then left vacant.

The same is true of the BIA contracts that we operate. In FY 2010 the BIA's data reports that TCC was underpaid over \$1 million in contract support costs, forcing vacancies in all of our BIA-funded compact programs.

This has been going on for years, and it is finally time that it stop.

The President's Budget for FY 2012 admits that, at the requested \$462 million funding level, IHS will be unable to cover \$153 million in contract support costs it owes self-governance and self-determination Tribes and tribal organizations. To be clear, that means a *\$153 million cut* in tribally-administered programs in FY 2012, just as TCC was required to *cut* \$3.2 million in FY 2010 from its own compacted programs. The same is true for our BIA compact, where another \$1 million in programs was cut last year, and will be cut again next year absent full funding of our contracts.

It is not only illegal but immoral for IHS and BIA to structure their budgets in such a way that they cut *only* tribally-administered IHS and BIA programs—not IHS-administered or BIA-administered programs, but *only* tribally-administered programs—in order to meet the agencies' overall budget targets. The thousands of Alaska Native patients and clients who we serve should not be punished because those services are administered under self-governance compacts instead of directly by IHS or the BIA.

I am particularly concerned about this issue as we plan for FY 2013. In FY 2013 TCC will have a significantly increased contract support cost requirement associated with operating the new IHS joint venture clinic. We project the requirement will likely exceed \$6 million. As it is, IHS has only committed to staff TCC's clinic at 85% of capacity. If none of TCC's contract support cost requirements to operate the new clinic are covered, the resulting \$6 million cut in staffing will drop the clinic to 65% of staffing capacity. This will severely compromise TCC's ability both to administer the new IHS facility and to meet its debt obligations. Worse yet, services to our people will be gravely compromised.

We understand that the dollars required to finally close the gap in contract support cost requirements are large, but this is only because the problem has been allowed to snowball over so many years. Once a budget correction is made to finally close the contract support cost gap inside both agencies, maintaining full funding of contract support costs on a going-forward basis will be much more manageable.

This is why TCC respectfully requests that the IHS appropriation for CSC be increased by \$153 million above the President's recommended level, to \$615 million, and that the BIA appropriation for CSC for FY 2012 be similarly increased by \$33 million to \$228 million.

Thank you for the opportunity to present this testimony.

Mr. SIMPSON. Thank you. Go ahead.

TUESDAY, MAY 3, 2011.

SOUTHCENTRAL FOUNDATION

WITNESS

TED MALA

Dr. MALA. Hello. My name is Ted Mala. Thank you. I am an Alaska Native and citizen, past president of the Association of American Indian Physicians, and served as commissioner of health for Governor Hickel on his cabinet. Today, I come before you as director of tribal relations for Southcentral Foundation, as well as director of the Traditional Healing Clinic. And I want to thank you both for your service. You guys are just legends and we really appreciate you.

Southcentral Foundation is the lead tribal organization in southcentral Alaska. We provide a full range of medical, dental, optometric, behavioral health and substance abuse to 45,000 people, both Alaska Native and American Indians living in Anchorage, the Matanuska-Susitna Borough, and a number of villages nearby. We also serve 13,000 Alaska Native people in 55 villages, and it is all over an area of 100,000 square miles. So I know you are looking at the map so you can relate. We employ 1,400 people to do this. The core of our service delivery system is our self-governance contract with Indian Health Service. In fact, we are one of the largest tribal health contractors in the country, along with Oklahoma and Navajo.

We are here today because the government has repeatedly broken its contract to Southcentral. It has failed to pay us the contract support costs, which our contract and the law dictates are supposed to be paid in full. You know this very well. We just add our voice to the others saying that we have the same problem. We discussed this issue with Congress and were told the problem was the administration. We go to the administration and they tell us Congress did not appropriate enough. And when you go to the Agency, they say that yes, it is very important but they have other competing needs. So I am sure it sounds familiar.

So at Southcentral, we do not understand a lot of the finger-pointing because to us a contract is a contract and a contract is not a matter of balancing priorities but doing what the contract says to do. Besides the competing priorities as a false issue, when IHS underpays our IHS contract, we are forced to cut programs and the administration wants to protect them. We have to cut mental health and substance abuse, as well as dental, optometry. It is a zero-sum game.

The fact is that the budget is balanced by cutting only funds that go to tribally-administered parts of the IHS system. When that happens, Congress and the administration discriminate against and punish the very part of the system that has proven most effective in delivering healthcare. So at SCF we do not ask to be treated any differently or any better than part of IHS, but we do not want to be treated worse either. So for the first time in many years, we

are hopeful. It is clear that Congress and the administration now understand that an underpaid dollar in contract support costs means a \$1 reduction in tribal healthcare. Congress and the administration understand that these are contracts that really have to be paid. Congress especially seems to appreciate that 100 percent of every contract support cost dollar goes right into tribal health and not one penny of it goes into the federal bureaucracy.

We are hopeful today for the first time in over a decade. Last year's SCF's shortfall was substantially reduced. As a result, SCF opened 97 new positions to fill multiple healthcare provider teams and support staff. These positions provide covered services. We are billing anywhere we can, Medicaid, Medicare, private insurers, and we hope that our revenues will allow us to bring on 100 more additional positions.

In short, we are proving every day that reducing contract support cost shortfall—that contract health is a sound investment, both in tribal employment and tribal health services.

Finally, in Congress in 2012, once the government's contract support costs, if Congress funds and closes that, we will be able to fill at least 100 positions. I am sure it is true across America. So as Congress was able to eliminate the stark BIA shortfalls as part of 2011 budget compromise, we ask today that Congress in fiscal year 2012 finally end all of the IHS support cost shortfalls that have plagued us for over 15 years. Thank you for the privilege of testifying on behalf of Southcentral Foundation and the 58,000 Native Americans we serve. Mr. Chairman and Congressman Young, you are legends. Thank you.

[The statement of Ted Mala follows:]

**Southcentral
Foundation**


HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES ON THE FY 2012 BUDGET
May 3, 2011

Testimony of Ted Mala
Director of Tribal Relations and Traditional Healing Clinic, Southcentral Foundation

My name is Ted Mala. I am the Director of Tribal Relations and Traditional Healing Clinic at Southcentral Foundation in Alaska. Southcentral Foundation is a tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act to carry out various Indian Health Service programs. In doing so, Southcentral Foundation acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by Congress as an Indian Tribe for purposes of Indian Self-Determination Act activities. As my testimony reflects, we request that in FY 2012 Congress fully fund contract support cost requirements by \$615 million, and that it also add \$25 million to forward-fund a small portion FY 2013 joint venture staffing requirements.

Southcentral Foundation (SCF) has carried out IHS programs under Self-Determination Act agreements for more than 25 years. In accordance with its compact with the DHHS, SCF currently provides medical, dental, optometric, behavioral health and substance abuse treatment services to over 45,000 Alaska Native and American Indian beneficiaries living within the Municipality of Anchorage, the Matanuska-Susitna Borough, and nearby villages. SCF also provides services to an additional 13,000 residents of 55 rural Alaska villages covering an area exceeding 100,000 square miles. To administer and deliver these critical healthcare services, SCF employs more than 1,400 people.

Today I will focus my remarks on two issues, contract support cost funding and joint venture funding.

I. Contract Support Cost Funding

The greatest impediment to the full performance of our self-governance compact with IHS has been the historic underfunding of our contract support costs. Since those costs are fixed, when IHS fails to cover our contract support costs—despite a statutory mandate and a contract obligation to do so—SCF has no choice but to cut positions, which in turn cuts services, and which in turn cuts down our billings and collections from Medicare, Medicaid and private insurers (billings which would otherwise go into additional staff and services for our people).

The reverse is also true, and it is proven: when contract support cost shortfalls are finally paid, the results are increased employment, increased services and increased collections leading to more employment and services. In FY 2010 the President requested and Congress approved an historic increase in “contract support cost” appropriations for FY 2010, for which Southcentral

Foundation is deeply appreciative. Nationally, this increase (which totaled \$116 million) cut down the current shortfall in contract support cost payments by about one-half. In a moment I will detail the advances SCF has already made with the partial restoration of its CSC funds in FY 2010.

But before doing that I need to explain the costs that we are talking about. The majority of Southcentral Foundation's contract support costs (about 80%) are comprised of fixed overhead costs that are determined by an indirect cost rate that is approved by the Department's Division of Cost Allocation. The remainder of SCF's contract support costs (about 20%) are set directly by IHS through direct negotiations. Together, these are the fixed contract support costs that Southcentral Foundation actually incurs, year in and year out, whether IHS reimburses us or not. These costs are independently audited each year by Certified Public Accountants, as required by law.

Even though OMB circulars require that every agency must honor our federal indirect cost rate, and despite the fact that the Indian Self-Determination Act mandates that IHS must add "in full" all contract support costs to SCF's self-governance compact, in the past, IHS has never fulfilled those obligations. Nor has IHS ever met its obligation to inform Congress mid-year of the amounts it owes SCF in the current year, and IHS has never requested supplemental appropriations from Congress to address those contract shortfalls. Instead, IHS has adopted a practice of issuing its contract shortfall reports one year late, long after Congress can do anything about it through the supplemental appropriations process.

So far as we have been able to determine, no other contractors are treated this way. The Department of Health and Human Services, including IHS, treats its contracts with Indian Tribes—and only its contracts with Indian Tribes—as if they were just grants. We provide a contracted service for a contracted price, but then IHS only pays us what it thinks it can afford, and it never budgets enough in its annual appropriation to pay all of its contracts with all of the Tribes.

This practice must stop. In fiscal year 2012 IHS should finally pay its contract obligations in full. The contract support cost line-item should be fully funded at \$615 million, as IHS's own calculations disclose is required in the IHS Budget Justification.

It is said that contract support cost shortfalls are the necessary result of fiscal constraints. But as I have noted, neither DHHS nor any other federal agency I know of ever uses that as a reason not to pay a government contractor in full, whether the issue involves other IHS or DHHS procurement contracts, or the Government's contracts to feed our troops overseas. Fiscal constraints are never a reason for a government to renege on its contract obligations, and if they were no one could ever rely on the government as a contracting party.

Existing fiscal constraints should also not fall disproportionately on the tribally-administered portion of the IHS system. On the one hand, when fiscal constraints lead Congress to reduce program funding, the burden of that decision is shared equally between the IHS-operated portion of the healthcare delivery system and the tribally-operated portion of that same system. The Tribe, like IHS, is then awarded a contract to operate a smaller program.

But when budgetary constraints lead to insufficient contract support appropriations, Tribes and tribal organizations like Southcentral Foundation shoulder the full brunt of the reduction, requiring the contracted programs themselves to be cut in order to make up the difference. All the while, parallel programs that remain under IHS operation are entirely protected from those funding decisions.

In effect, and in reality, underfunding contract support costs disproportionately balances budgetary constraints on the backs of tribal contractors, alone. It punishes the people served under those contracts by forcing reductions in contracted programs. If Congress is going to cut budgets or limit budget increases, fairness demands that such actions occur in portions of the budget that are shouldered equally by IHS and the Tribes and tribal organizations.

SCF's contract support cost requirements reflect critical infrastructure, often mandated by Congress. They include federally-mandated costs such as annual independent audits, and they also cover items such as liability and property insurance, workers' compensation insurance, and payroll and procurement systems. We have to buy insurance. We need to make payroll. We have to purchase supplies and services, and track property and equipment. Given these fixed costs, when contract support costs are cut, SCF has no choice but to make up the difference through staffing and service reductions. As a result, the shortfall has had a direct impact on employment—or rather, unemployment—in our area. Indisputably, contract support cost shortfalls mean lost jobs.

At even a high estimate of \$100,000 per average full-time equivalent employee, every \$1 million loss in our contract support cost payments initially costs Southcentral Foundation 10 jobs. In actuality, however, the impact is even worse, since the reduction in services also means a reduction in revenues from Medicare, Medicaid and other third-party insurers and payers. Therefore, the true job loss for Southcentral Foundation is over 20 positions.

SCF is one of the country's larger tribal healthcare contractors. In FY 2008 the Department failed to pay us roughly 40% of our entire contract support cost requirement: **\$10.7 million**. The impact of such a large shortfall on jobs was stunning, and it severely constrained our ability to meet the healthcare needs of the Alaska Native and American Indian population in our service area. The shortfall meant we could not hire doctors, nurse practitioners, home health workers, psychiatrists, mental health clinicians, dentists, dental hygienists, optometrists, pharmacists, and substance abuse counselors—and I could list many more. Things only got worse in FY 2009, when Southcentral Foundation lost another **\$12.8 million**, again nearly 40% of our CSC requirement.

But the reverse is also true, and it is proven: when CSC shortfalls are reduced, more health care is delivered. Thanks to this Administration's unprecedented support in FY 2010, SCF saw its contract support shortfall close last year by about \$8.8 million. As a result, SCF in FY 2010 opened **97 positions** to fill multiple healthcare provider teams and support staff. If the remaining shortfall were closed through appropriate Departmental budget priorities, SCF would be able to add another 50 positions that currently cannot be filled.

SCF applauds the President's proposal in FY 2012 to narrow the nationwide gap by \$66 million over FY 2010 levels. That said, these sums are simply not even close to sufficient to cover either the current shortfall this year or the anticipated shortfall next year. For that reason, SCF respectfully calls upon the Congress to provide \$615 million in contract support cost funding for FY 2012, so that the Department can finally honor these contracts in full.

The Administration has made bold and historic efforts to narrow the gap. Given the continuing recession and a persistent gap in Indian health care, now is the time to finally close it. Every Tribe has contracts with IHS to carry out some of the agency's healthcare services, and nearly every Tribe is currently being penalized for taking that initiative. Closing the CSC gap will directly benefit nearly every Indian and Alaska Native community in the Nation that is served by IHS.

2. Joint Venture Funding

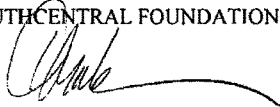
The second issue I need to address concerns the many joint venture projects currently underway across the country in which several Tribes and tribal organizations (including SCF) have secured non-federal financing to construct healthcare facilities to be operated by the Tribes under self-determination or self-governance agreements, in exchange for a contractual commitment by IHS to fund the staffing of those facilities once they are completed.

SCF is gravely concerned that insufficient continuing services appropriations will be available to fully staff the several joint venture projects that will come on line in FY 2013, as well as the associated CSC requirements for running those facilities. As things stand, IHS already commits to only staff these facilities at 85% of full staffing. Without any CSC funding, that percentage will drop to 60%. Such an outcome will severely strain the ability of many Tribes to provide effective care, to meet their debt service obligations, and to properly operate these facilities. Committee instructions to the agency can help insure that such consequences do not befall the joint venture program. Forward-funding a portion of these costs in FY 2012 with \$25 million (one-fifth of what will be required in FY 2013) would be a sound management practice that would permit hiring to begin before we open our doors on October 1, 2012.

Thank you for granting me the opportunity to testify on behalf of Southcentral Foundation and the 58,000 Native American people we serve.

Sincerely,

SOUTHCENTRAL FOUNDATION



Ted Mala, MD, MPH
Director
Tribal Relations and Traditional Healing Clinic

Mr. SIMPSON. Thank you. Andy.

TUESDAY, MAY 3, 2011.

ALASKA NATIVE TRIBAL HEALTH CONSORTIUM

WITNESS

ANDY TEUBER

Mr. TEUBER. Thank you. Good afternoon, Chairman Simpson. My name is Andy Teuber. Thank you, Congressman Young, for the very flattering introduction. I am the president and chairman of the Alaska Native Tribal Health Consortium, which serves 138,000 Alaska Natives and American Indians across the great State of Alaska, a state which comprises 650,000 square miles and has a population of only 700,000 people, 20 percent of which are the Alaska Natives and American Indians that we serve in the Alaska Native Tribal Health Consortium.

I also have the distinct pleasure to serve as the president and CEO of the Kodiak Area Native Association, which delivers primary and social services to the population of Kodiak Island in the Gulf of Alaska. And in that capacity I deliver services to seven of the communities around Kodiak. If you look at the State of Alaska, you can see, it kind of looks like this here. Kodiak is going to be right down here in the Gulf. It is nice to have a Congressman to serve as your assistant. Yes, thank you, Congressman. It is, in fact, the largest island in the United States by coastline and second to the large island of Hawaii, State of Hawaii, for distance or area.

What I was going to talk about today, and I do not want to articulate anything that has already been said better than I can say it in what Mr. Lloyd Miller has said for contract support costs and what Dr. Matt Neary has said on behalf of the ADA, but I did want to talk about a couple of issues that have not been addressed yet. And the first one is IHS Village Built Lease program. It is the first issue that I want to bring to the chairman's attention today.

And the foundation of the Alaska Native Tribal Health system is kind of built on the VBC program or the Village Built Clinic Lease program. The VBC program provides funding for rent, utilities, insurance, janitorial, maintenance costs, healthcare facilities throughout rural Alaska. Despite an increase in the number and size of clinics throughout Alaska and the rapidly increasing costs of operating these clinics, the funding for the VBC lease program has barely increased since 1996. Current funding for leases covers less than 60 percent of the costs of operating these clinics.

Without additional funding, the VBC lease program, Alaska villages will be forced to further reduce clinic operations for primary, tertiary care for dental services and behavior health services in and around all of our rural communities. And they will be forced to defer long-term maintenance and improvement projects. This situation not only reduces healthcare availability in villages. It also threatens nearly \$200 million worth of rural infrastructure in the state that the Federal Government has already funded.

So the solutions that I propose today are, number one, to have the VBC lease program listed as a separate line item in the IHS

budget. And number two, provide an increase of \$7 million in funding for the VBC lease program to be added in the current program base for the 2012 budget.

This funding is needed to sustain the VBC lease program and cover the expected operating cost in fiscal year 2012 and to establish funding for the long-term maintenance and improvement, and without this funding, many Alaska villages will not be able to continue supporting local clinics, which will lead to serious negative consequences for the health and safety of Alaska Native people.

As I stated earlier, Mr. Miller's testimony was informative for me. I am certain that it was for the committee as well. And the information that Dr. Neary had provided on the dental health for American Indian and Alaska Native people, I did want to touch on the oral health as it relates to the Dental Health Aid Therapy program in Alaska. And with just a minute, Indian Country—in Alaska in particular—faces considerable oral health disparities, and American Indians and Alaska Natives, especially children, continue to be plagued by oral health disparities. Alaska Native children suffer a dental caries rate two-and-a-half times the national average and for American Indian and Alaska Native children ages two to four, the rate of tooth decay is five times higher than the U.S. average. An astonishing 79 percent of Alaska Native and American Indian children ages two to five have tooth decay, 60 percent of which are severe cavities.

With that, on behalf of the Alaska Native Tribal Health Consortium and the Kodiak Area Native Association, I want to thank the chairman for the time and the opportunity to testify here today. Thanks to Congressman Young, and I will look forward to providing any additional information requested by the committee.

[The statement of Andy Teuber follows:]

Testimony of Andy Teuber
Chairman and President, Alaska Native Tribal Health Consortium
President and CEO, the Kodiak Area Native Association
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
 May 3, 2011

My name is Andy Teuber, I am the Chairman and President of the Alaska Native Tribal Health Consortium (ANTHC) and the President and CEO of the Kodiak Area Native Association (KANA). For the FY 2012 Indian Health Service (IHS) budget we are requesting increases over FY 2010 of \$15 million for dental health, \$217 million in contract support costs (CSC), \$7 million for the Village Built Clinic (VBC) Lease program, and \$10 million for implementation of four new provisions of the re-authorized Indian Health Care Improvement Act (IHCIA).

ANTHC is a statewide tribal health organization that serves all 229 tribes and over 135,000 American Indians and Alaska Natives (AI/ANs) in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center (ANMC), the tertiary care hospital for all AI/ANs in Alaska. ANTHC also carries out virtually all non-residual Area Office functions of the IHS that were not already being carried out by Tribal health programs as of 1997.

KANA is a non-profit Tribal organization formed in 1966 to provide health and social services to AI/ANs in the Kodiak Island Area. The KANA service area includes the City of Kodiak and six Alaska Native villages: Akhiok, Karluk, Old Harbor, Ouzinkie, Port Lions, and Larsen Bay. ANTHC and KANA are both self-governance tribal organizations that compact with IHS to provide health services to AI/ANs under the authority of the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

My testimony addresses areas of deficiency in the IHS budget and provisions of IHCIA that are of high priority for implementation. I extend an invitation to members of this Committee to visit Alaska to see first-hand, the many successes we have been able to achieve in providing high quality health services throughout rural Alaska with its challenging environment. Such successes include our advanced, statewide telehealth network, community health aide program, numerous sanitation facilities construction projects, and the Alaska Native Medical Center—Alaska's only Level II Trauma Center.

We were pleased with the significant increase to the IHS budget in FY 2010 and the proposed increase in IHS's FY 2012 Congressional Justification. The passage of the *Indian Health Care Improvement Reauthorization and Extension Act of 2009*, (IHCIA), S. 1790, has granted opportunities for significant improvements in the health status of AI/ANs. However, even with the increase in FY 2010 there are several programs important to Alaska that have been overlooked and IHCIA needs funding to fulfill its promise.

I. Oral Health

Indian Country faces considerable oral health problems. American Indians and Alaska Natives, especially children, continue to be plagued by oral health disparities. Alaska Native children suffer a dental caries rate of 2.5 times the national average. For AI/AN children ages 2 to 4 the rate of tooth decay is 5 times the U.S. average. An astounding 79% of AI/AN children ages 2 to 5 have tooth decay, 60% of which are severe caries. One-third of school-aged children have

missed school because of dental pain. Far too many have needed surgery to remove many or all of their baby teeth.

Due to the high cost of travel in rural Alaska, just one operating room dental case for a child with early childhood dental caries can cost up to \$7,000. An increase in appropriations for IHS dental health aimed at oral health promotion and disease prevention activities is a sound investment for improving the oral health of AI/AN children, but is an even better investment in reducing future oral health care costs.

Increases for dental health in the IHS budget the past few years have barely been sufficient to maintain the current service levels, which are grossly inadequate to meet the needs of Indian Country. A substantial program increase for the dental health subaccount directed for use for community oral health promotion and disease prevention is essential to the long-term improvement of the oral health of AI/ANs.

II. Contract Support Costs

Indian tribes and tribal organizations are the only federal contractors that do not receive full contract support costs (CSC). There is a clear obligation on the part of the federal government to fully fund CSC. But more importantly, lack of full funding for CSC has a very real and detrimental impact on our programs that are already substantially underfunded.

CSC is used to pay for items that we are required to have but are not otherwise covered by the IHS budget either because another governmental department is responsible or because the IHS is not subject to that particular requirement. Examples include federally-required annual audits and telecommunication systems. We cannot operate without these things, so when CSC is underfunded we have to use other program funds to make up the shortfall which means fewer providers that we can hire and fewer types and quantity of health services that we can provide to our patients.

From 2002 to 2009, while there were virtually no increases for IHS CSC appropriations, the level of tribal CSC need increased by over \$130 million. During that period, as our fixed costs increased every year, all major tribal health programs in Alaska were forced to layoff staff due to lack of funds.

With full funding of our CSC needs, ANTHC would be able to fill scores of support positions, such as enrollment technicians, financial analysts, medical billing staff, professional recruiters, maintenance technicians, security officers, information technology support and professional support staff.

We were very pleased with the substantial increase for IHS CSC in FY 2010. And IHS did recommend a \$63 million increase for CSC in its FY 2012 Congressional Justification, but that level does not adequately address the CSC need. Even if IHS CSC were funded at IHS's FY 2012 request level, the projected CSC level of need funded would be 75 percent—a 3.49 percent decrease from FY 2010.

We recommend an increase of \$217 million for CSC in FY 2012 (bringing total IHS CSC funding up to \$615 million) in order meet the full IHS CSC requirement. At a bare minimum we recommend an \$84 million increase for IHS CSC over FY 2010 (bringing total IHS CSC funding up to \$482 million) to maintain the level of need funded at the FY 2010 level of 78.49 percent.

III. Village Built Clinic Lease Program

The Village Built Clinic (VBC) Lease program funds rent, utilities, insurance, janitorial, and maintenance costs of healthcare facilities in villages in rural Alaska. Despite an increase in the number and size of clinics throughout Alaska as well as the rapidly increasing fuel costs, funding for the VBC Lease program has barely increased since 1996. Current funding for leases covers less than 60% of the current operating costs and those costs are expected to continue to increase sharply as energy costs continue to skyrocket in rural Alaska.

Without additional funding for the VBC Lease program, Alaska villages will be increasingly forced to reduce clinic operations and defer long term maintenance and improvement projects. This situation reduces the health care available locally to village residents and threatens the nearly \$200 million investment in these facilities by the federal government, Alaska villages, and the regional tribal health organizations in the Alaska Native health care system.

To ensure that the VBC Lease program is adequately funded in the future, we recommend that it be listed as a separate line item in the IHS budget and an increase of \$7 million in funding for the VBC Lease program to the current program base. These funds are required immediately to sustain the program, covering the expected operating costs in FY 2012 as well as establishing funding for long-term maintenance and improvement. Without this funding, many of Alaska's villages will not be able to continue supporting local clinics, eventually leading to serious consequences for the health and safety of Alaska Native people.

IV. Implementation of Indian Health Care Improvement Act

The enactment of IHCA on March 23, 2010, granted the IHS and tribal health programs a host of new authorities in providing care to their beneficiaries. But, IHCA is a bill that only grants authorities, which means little without corresponding appropriations with which to implement those authorities.

We were pleased to see the requested \$1 million for implementation of section 723 of the IHCA in IHS's FY 2012 Congressional Justification and recommend that it be increased to \$2.5 million and further that \$7.5 million more be provided to implement three other new provisions of IHCA.

A major area of concentration of S. 1790 was to greatly expand the behavioral health authorities included in Title VII of IHCA. Four of the provisions grant authority to establish behavioral health facilities or programs in each area of the IHS. These authorities address areas of great need in Indian Country. We recommend that funding be provided for the following sections of IHCA:

Section 709—*Inpatient and community-based mental health facilities design, construction and*

staffing, allows for the establishment of not less than one inpatient mental health care facility, in each area of the IHS. We recommend that \$2.5 million be made available to work toward the goal of establishing one inpatient mental health facility in each area of the IHS.

Section 713—*Child sexual abuse prevention and treatment programs*, directs IHS to establish a child sexual abuse prevention and treatment program in every Service area. We recommend that \$2.5 million be made available to work toward the goal of establishing at least one child sexual abuse prevention and treatment program in each area of the IHS.

Section 714—*Domestic and Sexual violence prevention and treatment*, authorizes the IHS to establish in each Service area, a domestic and sexual violence prevention and treatment program. We recommend that \$2.5 million be made available to work toward the goal of establishing at least one domestic and sexual violence prevention and treatment program in each area of the IHS.

Section 723—*Indian youth telemental health demonstration project*, authorizes IHS to carry out an Indian youth telemental health demonstration project and to award up to five grants for the provision of telemental health services to Indian youth. We recommend that \$2.5 million be made available to provide funding for all five grants allowed under this provision.

I appreciate your consideration of our recommendations for additional funding to improve the level, quality and accessibility of desperately needed health services for AI/ANs whose health care status continues to lag far behind other populations in Alaska and in this Nation.

Mr. SIMPSON. Thank you. I appreciate all of your testimony. Alaska is a big country, is it not?

Mr. TEUBER. It is.

Mr. SIMPSON. That is one of the places I have never been and always wanted to go, and Don said I cannot go until he says it is okay. So he has invited me up there a few times and we were talking earlier with my staff and some other people about, you know, you have got some beautiful national parks, you have got some issues with Alaska Natives and healthcare and other things, and we need to get up there and see some of that.

Mr. YOUNG. And Mr. Chairman, you are definitely invited and we could work on that with you and really see the area without working too hard but see the people in Alaska. I can say only one other thing as a guideline. You brought up the point about the level of funding under the Department of Interior, and if you want to spend money on people, take it out of the parks and spend it on the people. And I am dead serious. Do you see the staffing and you see the—and the Forest Service, I do not know if you handle the Forest Service or not—

Mr. SIMPSON. We do.

Mr. YOUNG [continuing]. Well, they have got the same thing. I was in Ketchikan the other day. There are 27 brand new trucks sitting there. There are three boats with six motors sitting there. There are 28 kayaks and we are not cutting any trees in southeast Alaska. And the agencies that are being funded are not for people. And I am not saying the agencies are not people themselves—

Mr. SIMPSON. Yeah.

Mr. YOUNG [continuing]. But the money should be spent, especially in healthcare, for what I think is a commitment. This was done many years ago under treaty and I do think they own it and they deserve it, and this contracting concept that Mr. Miller and other people have talked about is, to me, a disgrace. It is a contract with the government, and if there is a shortage of money, I know where we can find it. We will not take the parks away, but we do not need Taj Mahals. We do not need boats on the river that they have. We do not need all of the fancy quarters that they live in. We need to take care of the people. That is what I am asking.

Mr. SIMPSON. There is one area you can take it away.

Mr. YOUNG. And Mr. Chairman, I am dead serious about it and I hope you will listen to me very carefully and read the documents—

Mr. SIMPSON. I am listening to you.

Mr. YOUNG. All right. I appreciate it.

Mr. SIMPSON. I appreciate it. I was surprised, actually, when we learned that half of the tribes in America are located in Alaska, I was kind of shocked when I heard that, 260 some odd or something?

Mr. YOUNG. Two hundred twenty-nine.

Mr. SIMPSON. Two hundred twenty-nine out of the 500 or so that we have. So it is stunning. But I do need to get up there and see it. And you have unique problems because of the size of Alaska and the remoteness of it. And it is issues, as I said earlier, that we have tried to work out with the ADA and others to try to make sure that you have access to dentists and those types of things. And it is an

issue that I know that the ADA takes very seriously in trying to make sure that, you know, it is remote. So anyway, I look forward to coming up there and seeing what you do and as we have heard today in this testimony that, you know, Don has told me for the 12 years I have been here that we have responsibilities, tribal responsibilities, and you are right, we need to maintain those things.

And that is why in the CR we cut some areas that were pretty tough to cut but we went in and did it so that we did not have to cut Indian Health Services or some of the other things. And if you talk to Dr. Rubidoux at Indian Health Services, she was showing me the difference in what we spend per person in Indian Country for healthcare versus what the average American gets and it is substantially different. If you want to see poverty in this country, go out to an Indian reservation or go to some of the villages up in Alaska. We have got to address that, and I will tell you this committee is committed to addressing it.

So I appreciate you all being here today and thank you for your testimony and coming down to beautiful Washington, D.C., from that ugly Alaska up there. Thank you.

WEDNESDAY, MAY 4, 2011.

**TESTIMONY OF MEMBERS OF CONGRESS AND OTHER
INTERESTED INDIVIDUALS AND ORGANIZATIONS**

PUBLIC WITNESSES—NATIVE AMERICANS

Mr. COLE. Okay. We will go ahead and open proceedings, and we will invite our witnesses up in a group of panels, so if we could have Chairman Bear, Chairman Melendez, Chairman Small, Chairman Joseph, and then Representative Richardson will be joining us when she arrives at the table, as she has got things to tell us as well.

Probably the easiest thing once you get settled is, we will just start here and work our way across. Each person has got of course about 5 minutes and then we will have time after that to ask questions or comments from the members. If you would, as you begin your testimony, if you would just simply introduce yourself so that we have got that clearly for the record. That would be extremely helpful. And we can begin whenever you want to start to testify. Press the button. If it is red, it is on.

WEDNESDAY, MAY 4, 2011.

**SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY
INDIAN RESERVATION**

WITNESS

ROBERT BEAR, CHAIRMAN

Mr. BEAR. Thank you for that. Good morning, Mr. Chairman and everyone here today. I just want to thank you for giving me this opportunity.

First of all, Mr. Chairman and members of the committee, my name is Robert Bear. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I asked to testify today so that I could talk about the crisis in unfunded contract payments that the Indian Health Service and the Bureau of Indian Affairs owe my tribe under our self-governance contracts. From the very beginning, these agencies have broken their contract obligations to my tribe. Let me just talk about IHS.

In 1995, my tribe negotiated a contract with IHS to operate the government's hospital in Owyhee. The contract required IHS to pay us \$1.7 each year in fixed contract support costs. These were our fixed costs that we had to incur by law to run this federal contract. Think of the costs as mandates to do things like carry insurance, complete federally required audits, to do our daily accounting and similar fixed costs. We did not set those costs. Some were set by IHS and the rest were set by the Interior Department, all based

on our annual audit report, but IHS never paid us a dime, not in 1996 and not in 1997.

What happened? Since those costs that IHS failed to pay were our fixed costs, we had no choice but to reduce hospital operations and hospital employment in order to pay those costs and make up for the shortfall. The next thing we knew, the Joint Commission on Accreditation of Hospital Organizations came in and told us that it was considering revoking our certification to operate. Why? Because we had so many vacancies in critical positions. So eventually we went to court, and 10 years later in 2005, we were vindicated by a Supreme Court decision in the case known as *Cherokee Nation and the Shoshone-Paiute Tribes v. Leavitt*. The court said it was illegal for IHS to underpay us and the court awarded my tribe damages against IHS.

Mr. Chairman and members of the committee, this should have never happened. These are government contracts and the government should have kept its word. In fact, the very reason why we won the Supreme Court case is because the court ruled unanimously that the government has no more right to break a contract with an Indian tribe than it has to break a contract with anyone else. Yet here we are years later and IHS is again failing to pay us our contract amounts. I do not understand how this is possible. Every other federal contractor gets paid in full yet we do not.

Is it because we are an Indian tribe? The Supreme Court already said that shocking excuse was no excuse at all. Is it because our appropriation act now limits how much the agency will pay tribal contractors? There never used to be a limit and contract payments just came out of the agency's general appropriation. If there is such a limit, why not eliminate it? Why not go back to the system where the agency pays us out of its general appropriations just like all other government contractors.

The line item for contract support costs was never put into law to protect the tribes and our contracts. It was put into law to protect the agency. I say take it out. Why? Because after losing in the Supreme Court, IHS still comes here and asks for protection to underpay its federal contracts with Indian tribes, next year by about \$153 million including protection to underpay my tribe about \$615,000. That is just not right. The law should not protect an agency when it underpays a fully performed contract.

We are doing our part by providing health care in the government's Owyhee hospital. Now the government must do its part to pay us in full for the work that we are doing. The government should not come here and ask permission to force us to reduce these contracted health programs and contracted positions so that the government can get away with not paying us.

As for the BIA, I cannot offer enough thanks to this committee and to you, Mr. Chairman, for last month's action in raising the BIA level of contract payments. At long last, the BIA will now be able to fully pay its contract obligations to my tribe, to the other tribes in Idaho and to the other tribes across the country. This funding level must not roll back in 2012. But when it comes to IHS, much more needs to be done.

I do applaud the President for recommending a very significant increase in the IHS contract support cost line, but until these IHS

contracts are fully paid just like all other government contracts,
justice will not have been done.

Thank you for the opportunity for me to testify today.

[The statement of Robert Bear follows:]

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**HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2012 BUDGET
May 3-4, 2011**

Testimony of the Honorable Robert Bear
Chairman, Shoshone-Paiute Tribes

My name is Robert Bear. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. Our 290,000-acre Duck Valley Reservation straddles Idaho and Nevada. I, together with a six-member Business Council, oversee tribal government operations for our over 2,500 enrolled members. I am testifying to respectfully urge the Committee to fully fund tribal contract support cost requirements in FY 2012 (\$615 million for the Indian Health Service and \$225 million for the Bureau of Indian Affairs), and to support the Administration's request for \$6 million to fund our water settlement in FY 2012.

The Shoshone-Paiute Tribes face challenging conditions in an extremely remote area. While farming and ranching continue to be our primary businesses, our members struggle to make ends meet. The 2005 BIA Labor Force Statistics show that our members who reside in the Idaho portion of the Reservation suffer an unemployment rate of 79%, while those who reside on the Nevada portion suffer an unemployment rate of 64%. For those Tribal members fortunate enough to be working, 51% still live below the poverty level. From our Owyhee Community Health Facility, to our housing program, to the other programs the Tribes operate under our Title IV and Title V self-governance compacts, conditions remain tough for our members.

Without the requested contract support cost increase, the Shoshone-Paiute Tribes will continue to suffer contract underpayments from the Government of \$450,078 under our IHS compact and \$145,026 under our BIA contract, together equivalent to 11 positions in health care, public safety, roads safety, housing, and other essential governmental services. Given not only our precarious local economy, but also the Government's legal obligations to our Tribes, this is not acceptable.

Every dollar that BIA and IHS withhold in owed CSC funding means a dollar less in direct program services that we can spend on our members. It means staff vacancies for health care and social programs that our members so desperately need and deserve, and which they would receive were the Government still running these programs. From FY 2007 through FY 2010 these two agencies will have shorted us by over \$2 million—monies that the agencies were required to pay us, but did not pay us, under our self-governance contracts.

That CSC shortfalls cost jobs is shown by what happened last year when the shortfall was partially reduced, thanks to this Committee's and the President's commitment. When IHS reduced our shortfall by \$224,225, we added four jobs, including two medical coders and a clerk/voucher examiner (all to strengthen our third-party collections from Medicare, Medicaid and other third-party payers), plus a security guard. These are all good paying and vitally needed jobs that will now be permanent.

Our experience last year proves that reducing the CSC shortfall really does restore jobs that were lost on account of the historic shortfall.

The CSC shortfall amount may be just another number to BIA and IHS officials who have long neglected their contractual obligations to Tribes. But I know it means more to this Committee and this Congress. For us, these shortfalls mean not only lost jobs but a youth lost in the criminal justice system, or a diabetic elder who is turned away from needed counseling or denied prescriptions, or billings that go uncollected because we haven't the staff to pursue valid claims.

It also means a stop in forward progress toward greater self-determination, and instead continued dependence on the BIA.

For instance, in 2008, we entered into an agreement with the Federal Highway Administration (FHWA) to assume the Indian Reservation Roads Program serving the Duck Valley Reservation. We also notified the BIA of our intent to assume the BIA Road Maintenance Program. Our plan was to consolidate transportation planning, design, construction and maintenance under tribal administration. The only problem was that the prior Administration would not provide required contract support costs. If we took over the BIA Road Maintenance Program in 2008, the BIA told us we'd have to divert program funds to pay for our insurance, audit and other contract support costs.

Had we been able to go forward, we would decide which roads to repair. We would coordinate with the Elko County School District to ensure that bus routes remain open during bad weather. We would be in charge of improving road safety on our Reservation for our own people and our neighbors. We would employ our own members who need the work and can do the work.

Mr. Chairman, the Shoshone-Paiute Tribes cannot subsidize BIA- and IHS-funded programs. We simply haven't the means to do so. Besides, it is both wrong and illegal under the Indian Self-Determination Act to shortchange the tribal governments that offer to administer the Government's programs and that take those programs off of the Government's hands. We even secured a Supreme Court victory that says so in Cherokee Nation and Shoshone-Paiute Tribes v. Leavitt (2005). But until this Committee provides the necessary funds to meet those obligations, we will continue to see our contracts breached year in and year out.

As for the remainder of the President's Budget, we want to salute the President for honoring the Government's commitment in our water settlement by allocating \$6 million in the Budget for this purpose in FY 2012. While we appreciate the need to slim down government expenditures wherever possible, a settlement is a legally binding obligation which must be honored and paid. We thank the President for recognizing this, and the Committee for its support as well.

Thank you for the honor of presenting testimony to this Committee on behalf of the Shoshone-Paiute Tribes of Idaho and Nevada.

Mr. COLE. Thank you for your testimony.

WEDNESDAY, MAY 4, 2011.

**FORT HALL BUSINESS COUNCIL, SHOSHONE-BANNOCK
TRIBES**

WITNESS

NATHAN SMALL, CHAIRMAN

Mr. SMALL. Good morning, Chairman Simpson and Congressman Cole. I would like to thank you for the opportunity to testify this morning. My name is Nathan Small. I serve as Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes in southeastern Idaho. Our community faces tremendous needs in a variety of areas but I am here to speak on behalf of the children of Fort Hall Reservation.

Native American youth are among the most vulnerable groups in America. They suffer the highest dropout rates in the Nation, and tragically, also suffer the highest rates of suicide. There are two reasons for the suffering: one, a broken juvenile justice system, and two, an underfunded Indian education system. Juvenile justice in Indian Country like the broader tribal justice system has been crippled by federal laws and court decisions handed by Washington, D.C., for more than a century. Our tribe endures many of the same public concerns that plague other tribes. However, we face the added pressure of dealing with Public Law 280.

In 1963, the State of Idaho without the consent of the Shoshone-Bannock Tribes assumed jurisdiction over juvenile crimes on the Fort Hall Reservation, and for almost 50 years, the state has ignored its responsibility under Public Law 280 and our youth in our community have suffered as a result. With no help at the state level and little help at the federal level, the Shoshone-Bannock Tribes took matters into its own hands. Last year, we completed construction of a new criminal justice center which houses our police department, courts and an adult-juvenile corrections center. Basically this is what it looks like right now, and if you would like, we can get a copy of this for you to look at later on.

We built that juvenile center with a vision of having it serve as a regional juvenile center. Detention is often the final opportunity at turning around the life of a young person. As a result, they deserve our best efforts. This means providing strong education, mental health and substance treatment and services to our youth in custody. However, the BIA budget proposes elimination of the juvenile educational funding and the BIA has refused our request to use correction program funding to provide these services to our juveniles.

To address these critical needs, I am making two requests. Neither request will cost the taxpayer additional money but will permit commonsense use of existing funds and allow tribes to stretch existing dollars where they are needed. First, I ask you to direct the Administration to designate our juvenile center as a region correction center, and second, I ask that you direct the BIA to authorize the use of correction program funding for education and mental

health services to tribal youth in custody. As I just noted, in spite of the shortfalls in the education of Indian juveniles, the President's budget would eliminate the educational services to Indian youth in custody. I urge you to reject the President's proposed elimination of this program and instead increase funding for juvenile education.

I have one final request in the area of tribal justice, and that is to urge you to work with Chairman Frank Wolf's Commerce, Justice and Science subcommittee to fully fund programs reauthorized in the Tribal Law and Order Act of 2010 at the requested levels in the fiscal year 2012 Interior and Justice Department budgets.

I will now briefly discuss some concerns about educating our young people. The United States in hundreds of treaties including the Four Bridges Treaty of 1868 promised to provide for the education of Indian youth as well as other services and in return taking hundreds of millions of acres of our tribal homeland. Sadly, these promises have not been kept and again our children in our community suffer as a result. Unhappy with the level of education provided in the United States, the Shoshone-Bannock Tribes contracted to operate the Shoshone-Bannock Junior and Senior High School locally. However, in order to make this effort work, we rely on tribal grant support costs. These programs provide administrative costs that would be incurred by the BIA and the Federal Government continue to provide direct education services. The fiscal year 2012 budget requests flat funding for school support costs, which would meet less than two-thirds of the tribal needs. I ask that the tribal support costs be funded at \$72.3 million to meet 100 percent of the need. Also, with regard to Indian education this school year, we added a 6th-grade program to our tribal school. This 6th-grade program fills a gap in educational services on the reservation and will provide students with a consistent learning environment.

Despite this need, the BIA has refused our request to use school support cost funding for our new 6th grade. To overcome this bureaucratic barrier, I would ask you to include report language to direct the BIA to permit tribal grant support cost funding to be used for our expansion to the 6th grade and include 6th-grade students in our annual funding formula.

Finally, my written testimony provides additional details for a request to provide funding for a dormitory to provide our homeless children stable housing, meals on campus and an opportunity to learn and a chance at a brighter future.

Mr. Chairman, I want to thank you for your recognition of the Federal Government's treaty obligations to the Indian tribes and your efforts to hold tribal programs harmless as Congress works to bring the federal deficit under control. As you know, the need to meet these solemn obligations is especially critical for our Native youth, and again, thank you for this opportunity to testify.

[The statement of Nathan Small follows:]

**Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior Appropriations and Related Agencies Subcommittee (05/04/2011)**

Chairman Simpson, I want to personally thank you for your statement to work to hold programs and services within the BIA and IHS harmless as Congress attempts to control the federal deficit. My name is Nathan Small, and I serve as the Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes. My testimony focuses on four areas of priority, all of which are funded or administered by the Bureau of Indian Affairs (BIA) or Bureau of Indian Education (BIE): Administrative designation and support of our Juvenile Correction Center as a regional correction center; funding for education and mental health care services to youth in custody at our Juvenile Center; and funding to start and sixth grade program and to construct a dormitory for homeless children attending the Shoshone-Bannock High School.

Regional Juvenile Detention Center

The Treaty of Fort Bridger, federal laws such as the Major Crimes Act, and dozens of Supreme Court decisions, such as *United States v. Kagama*, all acknowledge the significant legal responsibility of the U.S. to provide for public safety on Indian lands. Sadly, the U.S. has largely fallen short in keeping these solemn promises. Indian country has suffered a public safety crisis for decades. One in three Native women will be raped in their lifetimes, and 2 in 5 will face domestic abuse. Reservations nationwide suffer violence at more than 2.5 times the national rate.

The Fort Hall Reservation faces many of the public safety challenges common to Indian country. Public Law 83-280 adds to the challenges facing our tribal justice officials. The State of Idaho has neglected the responsibilities for juvenile delinquency matters that it assumed, without tribal consent, under Public Law 280, leaving the needs of troubled youth on our Reservation unaddressed for far too long.

With the State ignoring its responsibility, and without any significant federal help, the Shoshone-Bannock Tribes sought to improve our local justice system. Faced with a condemned police and jail building and a 110-year old courthouse, we took the initiative to construct a facility to improve public safety and justice services at Fort Hall. Through grants, a \$14.4 million loan, and the Tribes' own funds, we built a state-of-the-art Tribal Justice Center. Operational for nearly a year now, the following provides a snapshot of the Tribes' justice programs in the new facility:

Our police department moved into the facility in April 2010. Through December of 2010, tribal police responded to 5,600 calls for service, charging a total of 6,282 criminal offenses. The Tribal Court has processed an enormous caseload of over 2100 cases (1134 criminal, 339 civil, 137 juvenile, 512 traffic, and 11 fish and game). Of these, almost 1000 have been fully adjudicated (456 criminal, 61 civil, 105 juvenile, 338 traffic, and 8 fish and game). The Corrections facility has 80 adult and 20 juvenile beds. The adult Corrections program has seen higher-than-expected use of bed space, with adult bed space use at capacity much of the time.

Conversely, the juvenile facility has operated at substantially less than capacity since its opening in August of 2010. We have held a total of 67 juveniles in custody at our Center since it opened. Their average age is between 15-17. The length of their disposition order ranges from 3 to 30 days, but the average stay is 7-14 days. The juveniles come from the Shoshone-Bannock Jr./Sr. High School, Blackfoot High, Hawthorne Jr. High, and Pocatello schools. Corrections staff

attribute the low juvenile inmate population to the facility serving as a deterrent to juvenile crime. However, tribal judges have been reluctant to sentence juveniles to the facility due to limited education and mental health care services offered.

We designed the Tribal Justice Center with the intention to have our juvenile corrections program serve as a leading model for a regional center concept. The Juvenile Center has sufficient bed space, and we have the support from nearby tribes – including the Goshute and Blackfeet Tribes – to house juvenile offenders adjudicated in their court systems.

The concept for a regional approach was supported in the Interior Department's June 2008 study titled "Master Plan for Justice Services in Indian Country." This Report detailed the deplorable state of 34 specific BIA and tribally-operated jails. (The now condemned Fort Hall Detention Center was reviewed in this Report.) The authors of the Master Plan concluded that a regional corrections approach should be part of a comprehensive plan to address Indian country detention.

Congress, through enactment of the TLOA, approved of the regional detention concept. The Act broadened the authorization for the Department of Justice (DOJ) Tribal Jails program to specifically include funding for regional detention centers. P.L. 111-211, Section 244(b). ***We ask the Subcommittee to direct the Administration to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile corrections facility.***

Juvenile Detention Education, Mental Health, and Rehabilitation Services

As noted above, while our Justice Center is operating successfully, we continue face critical funding needs for juvenile education, and mental health and substance abuse services in order to make our regional juvenile detention concept a reality. Juvenile corrections must include education and substance abuse and mental health services programs to provide juveniles an opportunity to become productive members of our community. A juvenile's placement in a detention center is often his or her last opportunity at rehabilitation to prevent youth from falling through the cracks and becoming career criminals. As a result, they deserve our best efforts to clear their minds, educate them, and open doors for a brighter future. Our Corrections Center incorporates space for treatment and education components. However, funding for these essential services has lagged.

From 2008-2010, Congress has held a number of hearings to examine the mental health needs of Indian country. Current funding levels account for one-third of tribal mental health needs. The rates of alcohol and substance abuse, depression and other mental health issues among tribes are grave. At 3.5 times the national rate, Indian youth have the highest rates of suicide among any population in the U.S.

Congress, again through enactment of the TLOA, acknowledged the need to provide education and mental health services to Indian juveniles in custody. Section 241 of the Act directs the Departments of Interior and Justice, in consultation with tribes, to develop a long-term plan for detention and alternatives to detention. As part of this plan, the BIE and the Indian Health Service (IHS) must coordinate with tribal and BIA juvenile detention centers to provide educational and health care services to those centers. The deadline for development of this plan is July 29, 2011. The young people in our corrections program face significant educational and

mental health needs. However, to date, no federal officials have contacted the Tribes regarding the provision of education or health services to juveniles in custody at our Center.

In October, the tribes were fortunate to receive a DOJ Tribal Youth Program grant for Tribal Transformations, a program to provide assessment, treatment, evidence-based and community-based services to juveniles. With the funds, we have been able to employ a juvenile justice social worker and we will soon be advertising for a youth drug/alcohol counselor to work in conjunction with our treatment center to provide services to youth. We also need to hire a full-time juvenile programming coordinator to further develop educational and rehabilitation programs to serve the needs of juveniles in our custody, regardless of tribal affiliation.

On the educational side, we have hired a part-time teacher through a one-year arrangement with the tribal school. Under the arrangement, when a juvenile is admitted to the facility, the teacher can get the homework assignments to students in custody and/or she has starter packets for them to learn English, math, literature and history at their grade level. She is also able to help them obtain their GEDs in the facility if they are not enrolled in any school. This arrangement with the tribal school terminates at the end of the 2010-2011 school year. The cost for this part-time position is \$40,000, which does not include benefits. Corrections staff have also highlighted the need to provide classes in Native culture and life skills for juveniles in our custody.

In past years, the BIA has denied requests from the Tribes to use BIA corrections funding to provide education, health, and mental health services to our juvenile population. There is no statutory barrier to using corrections funds for this reasonable purpose. Instead, the BIA is making an administrative decision that we believe is now overruled by Congress through enactment of the TLOA. ***We ask the Subcommittee to provide report language acknowledging Tribes can use BIA corrections funding for education, health, and mental health services to inmates and youth in custody at tribally operated detention centers. We also ask that the Subcommittee direct the BIA, BIE and IHS to meet their statutory obligation to work with the Shoshone-Bannock Tribes to provide these essential services to juveniles at our Center.***

In addition, the President's budget seeks to eliminate educational services to youth in custody. The BIA's Juvenile Detention Education program provides educational resources for juveniles in 24 BIA funded detention facilities. In FY10, this program was funded at \$620,000. ***We ask the Subcommittee to reject the President's proposal to eliminate this critical program for at-risk Native youth, and increase funding for this program above FY 2010 levels.***

Finally, tribal justice systems, like all American justice systems rely on an equal four-legged approach: prevention, enforcement, courts, and corrections. If any one of these legs is weakened, the system falls. ***To properly implement the TLOA, we urge this Subcommittee, in partnership with the Commerce, Justice, Science Subcommittee, to provide funding at the requested levels for tribal justice programs in the FY12 Interior and Justice Department budgets.***

Funding for the Shoshone-Bannock High School

The Shoshone-Bannock Jr./Sr. High School began as an alternate school in 1975 for Native youth struggling to succeed in area public schools. The School operated for more than 30 years in various buildings on the tribal campus before a school was built in 1995 just west of the site of

the Fort Hall Boarding School, which operated on the reservation from 1880 to 1936. The mission of the High School is to educate Native American students in their culture, and to prepare them for a lifetime of learning and achievement. The current student enrollment stands at 120 students, an estimated 95 percent of whom are Shoshone-Bannock tribal members. The school employs 15 Idaho certified teachers, 7 paraprofessionals and 1 counselor and maintains an active parent committee with 35 parents actively involved on a regular basis at the school.

Among its recent achievements, the Sho-Ban School acquired full accreditation status in 2009 through the Northwest Association of Accredited Schools. The school is actively involved with the BIE's positive behavior support program Native Stand (Students Together Against Negative Behaviors). Recent grant awards include a \$160,000 BIE Reads award and \$210,000 in Stimulus (ARRA) for math and reading intervention programs. This is the school's second year of involvement in the BIE Reads Program. This program has resulted in a 10 percent increase in the Idaho State Standards (ISAT) reading scores among students.

These gains have been made despite the severe underfunding faced by the School. The funding provided by the BIE under its Tribal Grant Support Costs (TGSC) program provides \$3,000 per full time student. This amounts to a funding level of less than \$1 million per year for the School, an inadequate amount to provide for a quality education. The TGSC provides critical funding to cover administrative and indirect costs of exercising local authority and exercising tribal self-determination in assuming the operation of a school. The FY 2012 budget requests flat funding for TGSC, despite the fact that between 2 and 5 additional tribal schools will have to be supported by the same \$46.3 million requested. This funding level would meet only 65% of need. *We ask that TGSC be funded at \$72.3 million to meet 100% of need.*

The Tribes added a sixth grade program to the School this year to enhance the academic success of our students. The sixth grade program was needed because the on-reservation elementary school only goes to fifth grade, which forces students to attend sixth grade at schools off the Reservation. This lack of consistency results in widespread variation in student education levels. Offering a sixth grade program will prevent these students from having to play catch up in their first semester as seventh graders, and will increase our graduation rates. The BIE cites FY95 and 96 riders that established a moratorium on expanding grades at BIA schools. *The Tribes believe that these riders did not establish a permanent moratorium, and ask for report language to acknowledge that TGSC funding can be used for the School's first-year costs to expand to the sixth grade, as well as language directing the BIA/BIE to include sixth grade students in the Shoshone-Bannock Jr./Sr. High School's annual funding formula.*

The School also needs a student dormitory to address the high number of homeless students that the school serves. Based on our current data, the number of students who are homeless any given night is estimated to be between at least 8-10 children. Without a stable place to live, children have no hope at achieving a proper education, and many children in this position drop out of our High School. The dorm would serve 50 students, and 25 teachers / resident assistants. The dorm will afford homeless children attending the Shoshone-Bannock High School stable housing and meals on campus, which will decrease our drop-out rate and encourage improved study habits. *To address this significant need, we request \$11.3 million in funding to construct a 40,000 square foot student dormitory on the High School campus.*

Mr. COLE. Thank you.

I see we have been joined by Representative Richardson. Would you like to join us at the table? And I do not know what your schedule is—just grab that chair right there, that would be great—and you may need to testify, you may have a committee meeting or something, and so we would be happy to take your testimony whenever you would like to deliver it. We are moving in order, but again, I recognize you may have a committee to get to, so we are delighted to have you here.

WEDNESDAY, MAY 4, 2011.

NATIVE AMERICAN ISSUES

WITNESS

HON. LAURA RICHARDSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. RICHARDSON. First of all, good morning. Good morning to all of you. Thank you for having me, allowing me to be here to share my priorities and thoughts within the Native Americans and Alaska Natives in this country.

I am a member of the Native American Caucus and I represent the 37th Congressional district in California. California is home to over 100 federally recognized tribes, so being a member of this community and providing the support is something we all believe in, but in California in particular, that is my commitment.

Particularly, I want to cover four areas: health, education, transportation and economic development. In the 111th Congress, we permanently reauthorized the Indian Health Care Improvement Act, and while this was a step in the right direction, we still have a responsibility to ensure that there is adequate funding for the Indian Health Service's section.

I want to highlight a few statistics that stick out in my mind. American Indians, Alaska Natives have the lowest life expectancy across all races in the United States. Diabetes in particular has a high rate for Native Americans and Alaska Natives, 177 percent higher than the general U.S. population. Now, you on these committees know these statistics far better than I do, and I respect that, but I think you need to know that I lend my full support as you approach these issues and need members to step up to add to that voice.

Years of underfunding of Indian health care have led to overcrowded facilities, outdated facilities and equipment and delayed maintenance of facilities that are on average over 30 years. The Indian Health Service reports that many Indian health facilities use equipment that is over twice its useful lifespan. So when we consider this, I support President Obama's fiscal year 2012 budget request which increases funding for the Indian Health Service by 14.1 percent.

Education—education in our Native American communities is another crucial area that needs a substantial investment. There was a report done in February 2010, a study by the Civil Rights Project of the UCLA Graduate School of Education and Informal Studies. Now, I am a graduate of both UCLA and USC so I watch

these studies carefully. And in that study, they found that less than 50 percent of American Indian and Alaska Native students graduated from high school. That is lagging from our national average of 69 percent. So when we consider this, the Indian school equalization formula is the primary source of funding that we have for the elementary and secondary schools, and I urge when we look at how it is being very severely underfunded in fiscal year 2009 and 2010, it is something that warrants our attention. I also support the Johnson-O'Malley Act, the act that was implemented in 1934 to provide the supplemental funding.

Transportation—I serve on the Transportation Committee and the Homeland Security Committee, and when you look at the Bureau of Indian schools, they often incur significant costs in transporting students. Many have to travel from reservations. Buses travel very long routes on unpaved roads, and it is critical that there is adequate funding. So therefore with the increasing fuel costs, the President's fiscal year 2012 budget slightly reduces funding for this program over the 2010 levels, and I think certainly that should be preserved or increased.

And then finally, my last section, which is economic development and job training. In California, although we have had very successful gaming places in my area surrounding and it has served as an excellent opportunity for many people to work, not just working in the general casino area but working as accountants, working in many aspects of the business, but unfortunately, not all areas have the ability to have those types of businesses or have not grown to that point as of yet. So it is important that we invest and we assist in making sure that there is adequate job training available for everyone. So when we look at the division of capital investment within the Office of Indian Energy and Economic Development that overseas the Indian loan guarantee program, this program enables eligible borrowers for Indian businesses to be able to get money that they otherwise would not receive. Unfortunately, the President's fiscal year 2012 budget cuts this program by \$5.1 million, and I would not be supportive of that.

As I close, there is a national ironworkers training program. I have a very strong relationship with the ironworkers in my district. This is a program that has not been funded for 2011 or 2012. It was only seeking \$750,000. This program was actually an 11-week program where after that program the candidates would be able to participate in the apprenticeship program and go on and have a very decent job, so I would urge you to consider that.

And lastly, when you look at the Carcier—

Mr. COLE. Carcieri.

Ms. RICHARDSON. Thank you. Versus Salazar—

Mr. COLE. We are looking at it.

Ms. RICHARDSON. I am sure you are.

Mr. COLE. We are very familiar here.

Ms. RICHARDSON. Well, I look forward to standing with you and helping in that area as well.

So thank you for the opportunity to speak. Thank you for sitting here with my brothers and I am sure sisters as well in the audience and just look forward to counting on my help. Even though

I have not had an opportunity to serve on your committee, count me as a full committed one to help on your issues.
[The statement of Laura Richardson follows:]

Congresswoman Laura Richardson (CA-37)

Statement for the Record

Subcommittee on Interior, Environment, and Related Agencies

Wednesday, May 4, 2011

9:30 A.M.

B- 308 Rayburn

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:
Thank you for this opportunity to share with you my priorities in support of Native Americans and Alaska Natives.

I am a member of the Native American Caucus and I represent the 37th Congressional District in California. California is home to over 100 federally recognized tribes so the well-being of the Native American community is one of my highest priorities.

Although the needs of Indian Country are great, I will limit my remarks this morning to the following subjects of vital importance: Health, Education, Transportation, and Economic Development and Job Training.

I. Health

In the 111th Congress, we permanently reauthorized the Indian Health Care Improvement Act. While this was step in the right direction, we must now continue our responsibility to Native Americans by adequately funding the Indian Health Service.

I want to highlight some statistics from the U.S. Indian Health Service (IHS) that illustrate how we still lag behind in providing health services to Native Americans.

- American Indians and Alaska Natives have the lowest life expectancy across all races in the United States. 2005 U.S. Indian Health Service data put the average life expectancy for Native Americans and Alaska Natives at 72.6 years, which is 5.2 years less (77.8 years) than the general U.S. population.
- Native Americans and Alaska Natives are 500% more likely to die from tuberculosis than the general U.S. population.
- Native Americans and Alaska Natives have a 514% higher rate of alcoholism compared to the general U.S. population.
- Diabetes rates for Native Americans and Alaska Natives are 177% higher than the general U.S. population.
- Suicide rates among Native Americans and Alaska Natives are 82% higher than the general U.S. population.

These statistics show that there is a lot of room for improvement on how we administer healthcare in our native communities. For many Native Americans, Indian Health Service facilities are their only source of health care. No alternative sources of medical care exist, especially in isolated areas.

Years of underfunding Indian Health Care has led to overcrowded facilities, outdated facilities and equipment, and delayed maintenance of facilities that are on average over 30 years old. The Indian Health Service reports that many Indian health care facilities use equipment that is over twice its useful lifespan. Many of the existing Indian medical facilities are unable to maintain basic maintenance, which lead to higher costs later on. Also, several facilities are unable to expand services or add medical personnel due to lack of space in existing facilities.

For the reasons that I just stated, I support President Obama's FY 2012 Budget request, which increases funding for the Indian Health Service by 14.1 percent or \$571 million over FY 2010 enacted levels. While Indian Health is still underfunded, this increase will help decrease the gap in health care that our native populations face. This funding increase is a responsible, small step towards achieving parity in health care services that Native Americans and Alaska Natives deserve.

II. Education

Education in our Native American communities is another critical area that needs investment. There are approximately 620,000 Native American students attending K-12 schools. A February 2010 study by the Civil Rights Project of the UCLA Graduate School of Education and Informal Studies looked at graduation rates for American Indians and Alaska Native students across 12 states. The study found that less than 50 percent of American Indians and Alaska Native students graduated from high school. The graduation rate among Native American and Alaska Native students lags behind the national high school graduation rate of approximately 69 percent.

While there are many Native American and Alaskan Native educational priorities I would like to focus on, I will limit my discussion to the areas of jurisdiction of this subcommittee.

The Indian School Equalization Formula (ISEF) is the primary funding source for the Bureau of Indian Education's elementary and secondary schools. The Indian School Equalization Formula allocation for each school is determined by a statutorily mandated formula. These funds are used to pay teachers and other personnel, purchase instructional materials, acquire computers, and supplement other expenses. The Indian School Equalization Formula received some funding increases in FY 2009 and FY 2010, but it is still severely unfunded. The graduation rate for our Native American students will not improve unless we continue to invest in the resources needed in our native communities.

Another program that is important to our native populations is the Johnson O'Malley Act. This Act was enacted in 1934 and provides supplemental funding to address the unique educational and cultural needs of Native American children attending public schools.

The Johnson O'Malley Act addresses the unique needs of native children by setting up an Indian Education Committee made up of parents of Indian children. This committee develops, evaluates, and recommends educational approaches to help raise achievement standards of Native American students. Funding for the Johnson O'Malley Act should be restored to FY 1994 levels of \$24 million. This funding level is supported by both the National Congress of American Indians and the National Indian Education Association.

III. Transportation

I would further advocate for fully funding student transportation for our Bureau of Indian Education schools. I serve on the U.S. House Committee on Transportation and Infrastructure so I understand the need for adequate student transportation.

Bureau of Indian Schools often incur significant costs in transporting students. On many reservations, buses travel long, daily routes often on unpaved roads. These conditions take a tremendous toll on the vehicles, which result in greater maintenance and repair costs. Increasing fuel prices are also having a significant impact on Bureau of Indian Schools' budgets. The President's FY 2012 Budget slightly reduces funding for this program over FY 2010 levels. I support increased funding for student transportation. We need to ensure that the funding meets the transportation needs for our Native American schools.

IV. Economic Development and Job Training

We must also invest in economic opportunities for our native populations. Unemployment rates for Native Americans and Alaska Natives are unacceptably high. Unemployment rates are as high as 80 percent on some reservations. We need to equip our native people with the job skills that employers are looking for.

The U.S. Department of the Interior's Office of Indian Energy and Economic Development (OIEED) works to bring jobs to reservations, foster sustainable economies, and empowers Indian nations to determine their economic futures. This is achieved through business development and training, job training, and leveraging federal funds to access capital.

The Division of Capital Investment within the Office of Indian Energy and Economic Development oversees the Indian Loan Guarantee Program. This program enables eligible borrowers to develop viable Indian businesses through conventional lender financing that might otherwise be unavailable. It further reduces excess risks to lenders by providing loan guarantees. Unfortunately, the President's FY 2012 Budget cuts funding for this program by \$5.1 million over FY 2010 levels. I support increased funding for this program so that Indian entrepreneurs will be able to leverage capital to start businesses and get more natives working.

Finally, economic conditions on reservations will not improve unless people are given the job skills needed to succeed in the workforce. That is why I fully support job training programs for Native Americans and Alaska Natives. Business owners will not invest on reservations if they don't have access to a skilled labor force. Job training programs also help people become self sufficient and contributing members of society.

One such job training program is the National Iron Workers Training Program for American Indians. This program has been funded and supported by the Department of Interior Bureau of Indian Affairs since 1972. Unemployed Native Americans enter the training program and receive a stipend during the 11 week program. Upon completion, they are placed in an apprenticeship program with above average wages and access to health insurance. They are then able to bring their skills to a career in the construction industry. Unfortunately, this program is not funded in the proposed FY 2011 and FY 2012 Budget Requests. I support restoring \$750,000 in funding for this program.

Job training programs are essential for decreasing unemployment and giving Native Americans diverse job opportunities on the reservations. Access to skilled workers will make Indian reservations more attractive for business development, which will benefit the Indian community as a whole. Investing in job training programs yields a high return on the investment.

As you are aware, one of top priorities for our native tribes is passing a clean *Caricieri* fix. A fix is needed to correct the actions created by a 2009 Supreme Court ruling in *Caricieri v. Salazar* that prohibited the U.S. Interior Department Secretary from taking land into trust for tribes that were federally recognized after 1934 when the Indian Reorganization Act (IRA) was passed. This decision reversed 75 years of allowing the federal government to take land into trust for tribes that were recognized after 1934.

I thank you Chairman Simpson and the other distinguished members of this subcommittee for allowing me to speak today in support of our Native American and Alaska Native communities. I know we are all looking for areas to trim the budget, but we should not be doing it on the backs of our native populations. We owe it to our native communities to adequately fund programs that lead to self sufficiency and to a stronger future.

Again, I appreciate the opportunity to appear before you today. Thank you for your time.

Mr. COLE. Thank you very much. Thank you for your testimony. You are free to go, or you are free to stay. We will have questions. We have two more sets of testimony, so it is up to you. Again, your schedule is——

Ms. RICHARDSON. Unfortunately, I have two committees at the exact same time.

Mr. COLE. I assumed that was going to be the case, but thank you very much for coming. I appreciate it.

Ms. RICHARDSON. Thank you, sir, and thank you, gentlemen.

Mr. COLE. Again, thanks for your indulgence for allowing the Congresswoman to make her points, so if we can, we will just resume regular order.

WEDNESDAY, MAY 4, 2011.

RENO-SPARKS INDIAN COLONY TRIBAL COUNCIL

WITNESS

ARLAN MELENDEZ, CHAIRMAN

Mr. MELENDEZ. Good morning, Mr. Chairman and committee members. My name is Arlan Melendez. I am Tribal Chairman of the Reno-Sparks Indian Colony, Washoe, Paiute and Shoshone people, located in Reno, Nevada. I am also the Vice President of both the Indian Health Board in Nevada and also the Intertribal Council in Nevada, which are the 27 tribes in the State of Nevada.

First, I want to thank Chairman Simpson and Mr. Cole for listening to us this morning, and I am very appreciative of Mr. Simpson's comments that were circulated a few months ago indicating the importance of protecting the funding for the programs from the budget cuts.

Today I wish to address—first of all, I also want to introduce our consultant here in D.C., Mr. George Waters, who is in the audience, and George also said not to mention the Nevada-Boise State game.

Mr. SIMPSON. Yeah, there might be some funding problems there.

Mr. COLE. You are clearly very well represented.

Mr. SIMPSON. Yes, I was going to say, he is from Oklahoma, you know, and we did have a problem with Oklahoma.

Mr. COLE. You know, there is an old saying in Oklahoma: it is hard to be humble when you are a Sooner. Unfortunately, not when I talk to my chairman, who delivers regular doses of humility on what is now, I must say, a five-year-old game.

Mr. MELENDEZ. Well, today, I wish to address three main topics here. First of all, Contract Health Service and also an increasing problem with pain management, and I will talk about that, and also, the third topic is the need for detention facilities in the State of Nevada.

Because my tribe consists of approximately 1,100 tribal members and we are one of the few urban reservations in the country, we not only provide health care to our tribal members but we have to comply with the Indian Health Service open-door policy requiring us to provide service to any federally recognized Indian person. The

urban Indian population in proximity to our health center is approximately 8,000 and growing.

Four years ago, my tribe constructed a new health center at our own expense due to the fact that we could not wait any longer for the Indian Health Service to replace our old, dilapidated facility. Since then, our caseload has really grown. There are 27 tribes and bands, 16 federally recognized tribes in the State of Nevada, and we are part of the Phoenix area. The other area tribes are from Arizona and Utah. There are also two main service units in the State of Nevada, the western Nevada service unit and the eastern Nevada, and there is also field station in southern Nevada. We are part of the Schurz service unit along with six other tribes. Schurz, Nevada, is approximately 90 miles southeast of Reno, Nevada, and it is where our old Indian hospital was located until the Indian Health Service closed its doors in 1986. Since that time, the tribes who use that hospital have greatly seen more dependence on Contract Health Service, and there is a correlation between not having an Indian Health Service hospital and the need for Contract Health Service. Without a hospital, Nevada tribes are totally CHS dependent. The Contract Health Service formula needs to be changed to give more weight to tribes that do not have access to Indian hospitals. Due to the lack of CHS funding, Indian Health Service is only allowing priority level one life-or-limb referrals, and so far only 30 percent of the referrals for patients to use CHS have been approved. Basically, our patients are being denied health care.

Furthermore, the Indian Health Service is not paying patients' Contract Health Service medical bills in a timely manner. Thus, patients are receiving letters from collection agencies and they are not paying also the providers, the outside providers who provide those services. Therefore, the relationship is not good and some providers are denying to work with the Indian Health Service. Any budget savings due to the adherence to priority level one, which has happened with the new Indian Health Service director, has resulted in some savings. That savings should go back into opening up priority level two and not be disbursed elsewhere within the Indian Health Service.

One recommendation would be to create centers of excellence like our brand-new facility that we built ourselves. A center of excellence would provide services that they do not have right now, X-rays, and therefore that would help not sending people out for X-rays, and there is a lot of specialty service that we could have within our health facility. Rather than building a new hospital, maybe we could create centers of excellence that would offset sending people out, which decreases the use of Contract Health Service.

I would like to briefly talk about the increasing concern having to do with pain management or the lack of, which has resulted in patients being addicted to certain medications, painkillers. This issue is also a CHS issue whereby referring a patient outside our health clinic to a pain specialist is also not in the approved category of priority one, so referrals for this are also being denied. We believe IHS should address this ever-growing problem. This situation has resulted in security guards being placed at our health centers due to the irrational outbursts by patients who demand medi-

cation. A demonstration project would be something that would help.

And finally, our detention facility need in Nevada is really something that is critical there. Right now, we are desperately in need of regional detention facilities to hold those Indian people who have broken the law. You may be surprised to hear that there is not a single detention facility anywhere within the jurisdiction of Bureau of Indian Affairs western Nevada agency. This lack of detention facilities for adults and juveniles along with great distances that need to be traveled to access detention facilities that we contract for has been identified as the single most significant issue that our tribal justice systems face. Tribes in our region are presently contracting with five different counties. For longer-term sentences, prisoners are being sent out to facilities in Colorado and Wyoming. We are working jointly—

Mr. COLE. We are going to need to wind up pretty quickly.

Mr. MELENDEZ. Okay. We would ask this committee to work with the BIA and perhaps with the Commerce, Justice and Science Subcommittee to ensure that there is a coordinated approach and that staffing and overall operation and maintenance for a western Nevada tribal detention center is funded.

So I want to thank you very much for listening to me.

[The statement of Arlan Melendez follows:]



Testimony of Arlan Melendez, Chairman of the Reno Sparks Indian Colony
 Reno, Nevada
 Submitted to the House Committee on Appropriations
 Subcommittee on Interior, Environment and Related Agencies
 May 4, 2011

My name is Arlan Melendez. I am now in my 24th year serving on the Tribal Council of the Reno Sparks Indian Colony (RSIC). I have been honored to serve for the last 20 years as Chairman. I have served in leadership roles with the Inter Tribal Council of Nevada, with the Nevada Indian Health Board and with the National Congress of American Indians. I also just concluded a six year term as only the second Indian person to serve as a Commissioner on the US Commission on Civil Rights. I am also proud of my service to my county as a member of the United States Marine Corps during the Vietnam War.

I appreciate Chairman Simpson, Ranking Member Moran and the esteemed members of the Committee taking the time to review this statement and consider my views.

The RSIC tribal membership consists of members from three Great Basin Tribes - the Paiute, the Shoshone, and the Washoe. They make up the majority of people who live within our reservation land base. The reservation lands consist of the original twenty-eight acre residential Colony located in downtown Reno and our 1,960 acre Hungry Valley reservation located nineteen miles north of the downtown Colony, in a more rural setting.

The Reno-Sparks Indian Colony was established in the early 1900's and formed a more formal Tribal Government in 1935 under the Indian Reorganization Act. With the approval of a Tribal Constitution, we elected our first Tribal Council governing body.

Mr. Chairman, when I saw you a few weeks ago, I was impressed to hear that you had spent time on the Shoshone Bannock Reservation in neighboring Idaho. I think that experience will help you deal with funding requests for the BIA and the IHS in your capacity as Chairman. To many Americans, Indian people and our homelands are relics of a bygone era but you know better and we take relief from that fact as well as the statement that you have circulated indicating the importance of protecting these programs from budget cuts. The levels you recommended in HR 1 were appreciated as were the funding levels for Indian programs during the period when Congressman Moran led this Subcommittee.

Indian people are greatly concerned by the earmark ban and have a very difficult time understanding how it can apply to our relationship with the United States. How else will individual projects be funded on Indian reservations if our own Congressmen and Senators are prohibited from advancing our needs? Without earmarks, overall Federal funds are generally distributed on a formulaic basis. That favors the large urban populations on both the east and west coasts and will work to the detriment of rural states and Indian tribes. We hope your colleagues will soon realize that leaving all financial decision-making in the hands of the White House is probably not a very equitable way to allocate federal dollars.

I wish to address three points today; Contract Health Care and Pain Management Policies under the Indian Health Service, and Detention.

Contract Health Service – IHS

The Indian tribes of northern Nevada have sometimes been colloquially referred to as the unwanted stepchildren of the IHS Phoenix Area Office and the funding levels we receive for IHS Contract Health Services reflect that point. Because we are one of few urban reservations in the country (at the borderline of the cities of Reno and Sparks), we not only provide health care to the members of our tribe but we comply with IHS' *Open Door Policy* requiring us to serve any federally recognized Indian. There are a large number of Indian people who reside off our reservation in the Reno-Sparks area. Because we could not wait 20-30 years for IHS to replace our old dilapidated clinic, we recently built our own new clinic (and are proud to have successfully floated a municipal bond to raise revenue for its construction). As a result, we also now have Indians from other nearby reservations who prefer to get their health care at our new facility. The combination has increased our case load. We are within the larger Schurz Service Unit (SSU) consisting of seven clinics on reservations in northern Nevada. The SSU is one of the few Service Units in the Phoenix Region that does not contain an IHS operated hospital (the Schurz Hospital closed in 1986), nor are our clinics fully staffed, equipped or constructed per IHS standards. Indians must avail themselves of Contract Care (Contract Health Service or CHS) when their primary provider - such as our clinic - is not capable of providing a higher level of health care, for instance, for surgery but including the provisions of much health care far less complicated than surgery. Since there is no hospital we are deemed a Contract Health Service Delivery Area (CHSDA). One would think that this would result in our getting a large amount of the CHS budget but the formula used is working against us. Other CHS dependent regions such as California and Portland (northwest) fared better than we did in allocating CHS formula dollars. This is because we are within the larger Phoenix Area office which is dominated by the Phoenix Indian Medical Center and numerous Arizona IHS hospitals. As a result the CHS dependent needs of the RSIC and other tribes in the SSU are "masked" in the formula, so to speak. The lack of funds leads IHS to only allow for contract health service in our region on Level 1 basis (essentially life or limb). The bottom line result of all this is that our people are either not getting treated when they need Contract Services or they are facing bill collectors because IHS is not paying their bills. The IHS is only approving 30% of the referrals to contract care specialists due to strict adherence to Priority Level One guidelines. This is leading to some hospitals not wanting to serve Indian people. **Just as outrageous is the fact that over the last five years, by denying CHS funds to Indians in the SSU who are terribly in need of contract care, the IHS has "saved" \$2 million in dollars from CHS funding that had previously been obligated to the**

SSU. Why are they *saving* money that was supposed to be ours (all the tribes served by the SSU) to start with if that means Indian people have been denied medical care? We believe that \$400,000 of that \$2 million may have been allocated to vendors in northern Nevada who are owed money but we have been asking Phoenix Area IHS since last October what their plans are for the remaining \$1.6 million. We think it might get transferred to some area other than our Service Unit and do not want to see that happen. There are doctors and other vendors in northern Nevada that are still owed funds and there are many Indian people in our Service Unit who would go to the doctor tomorrow for critically needed health care if IHS would allocate those funds to our Service Unit. We ask the Committee to immediately contact IHS to ensure those dollars are used for our people.

Mr. Chairman after decades of this treatment you will understand why the Congress, as a part of the reauthorization of the Indian Health Care Improvement Act, finally directed the IHS to open a regional office in Nevada. We have been working closely with the Phoenix Area Regional Office on those plans and are pleased that the National Tribal Budget Formulation Workgroup has recommended funding the establishment of our regional office.

We ask this committee to direct IHS increase our allocation of CHS funds, to amend the CHS allocation formula to accommodate our needs and to work hard to find more CHS providers in our area. Money could be saved if they would contract with providers using Medicare or better rates. Another option we have made to IHS is to provide funding to establish a "Center of Excellence" within my Tribe's new Health Center. A Center for Excellence would allow us to offer the following services: Lab and Radiology; Same Day Surgery; Podiatry; OB/GYN/Prenatal; Pediatrics; Cardiology; ENT and other specialty services. To be able to offer these fairly basic services in house would result in a reduction in our need for CHS dollars and save IHS money in the long run.

I am attaching a copy of testimony I presented to the IHS on February 24, 2010 at Budget Consultation hearing. I am not asking that it be made a part of the hearing record but committee staff or members might benefit by seeing a more detailed explanation.

Pain Management Policies (or lack thereof) leading to Addictions

Mr. Chairman one of the unintended outcomes of the IHS budget not containing sufficient funds for Contract Health Services is that the doctors in the clinics who are dealing with people suffering from Chronic Pain – people who should be sent to specialist for medical care but aren't due to the Priority Level One referral policies – are instead prescribing narcotic pharmaceutical drugs to help them live with that pain. There are specialists who are schooled in helping people deal with pain but their service does not qualify as Priority Level One so Indian people are not able to avail themselves of these experts. The result is predictable. We have a rapidly growing number of Indian people who are becoming addicted to painkillers. This has gotten to the point where we now, for the first time, have to employ security guards at our clinics to deal with patients who can become violent due to these drugs.

We would like to establish a demonstration project in our clinic where we would have access to specialists who can help our doctors ensure they are not overmedicating our patients. This

program would provide oversight and monitoring of all patients receiving drugs and work with them to wean them off these pharmaceuticals and to try other methods or other drugs to help deal with their pain. We have talked to IHS about this but were told they didn't have the funds for such a demonstration project. Perhaps this committee could offer some encouragement short of an earmark.

Regional Detention Facility

We are desperately in need of a regional detention facility to hold those Indian people who have broken the law. You may be surprised to hear that there is not a single detention facility anywhere within the jurisdiction of the Bureau of Indian Affairs' Western Nevada Agency Office. This is a sprawling part of northern Nevada on which 12 tribes have reservations. This lack of detention facilities for adults and juveniles along with the great distances that need to be traveled to access detention facilities that we contract with has been identified as the single most significant issue that our Tribal Justice systems face. The lack of adequate detention space leads to early release of offenders into our communities with the high probability of recidivism. This creates a lack of community safety and an increase in victimization throughout our homelands. Tribes in our region are presently contracting with five different counties (Lyon County, Pershing County, Humboldt County, Washoe County and Mineral County) to house our prisoners. For longer term sentences prisoners are being sent to facilities in Colorado and Wyoming. In FY 10 alone the BIA spent just under \$700,000 for inmate bed days for contracting out this detention which is more than had been budgeted for our region. When our police officers have to spend hours and hours transporting prisoners to and from distant jails for placement and court hearings and perhaps even court ordered rehab it takes them away from our communities where they should be patrolling and doing regular police work.

We are working jointly with the Fallon Paiute Tribe now on a study to determine the feasibility of regional facility. In mid-January we met with the BIA and with tribal representatives from Fallon as well as from the Yerington, Washoe Pyramid Lake and the Walker River Indian Reservations to discuss this matter further. We are hopeful that our planning will result in the Department of Justice funding the construction of regional facility. We know that DOJ is very supportive of the idea of regional multi-tribe facilities as is would obviously be far more efficient to construct one than to construct a facility on each reservation. The relative proximity of the tribes within the Western Nevada Agency would make this feasible. A major problem as we understand it is that while DOJ may have money to construct such a facility they do not have money to operate and maintain it. That responsibility seems to be falling onto the BIA but they too have indicated that they don't have money for staffing and maintaining. This creates a real Catch 22 as no tribe is going to take the risk of building a facility on their reservation without knowing how they will operate it. We ask this committee to work with the BIA and to perhaps with the Commerce, Justice and Science Subcommittee to ensure there is a coordinated approach and that staffing and overall operation and maintenance for a Western Nevada tribal detention facility is funded.

Thank you again.

Mr. COLE. Thank you.

WEDNESDAY, MAY 4, 2011.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

ANDREW JOSEPH, CHAIRMAN OF THE BOARD

Mr. JOSEPH. Good morning, Chairman Simpson, Ranking Member Moran and Honorable Mr. Cole. My name is Badger. I am Andy Joseph, Jr. I chair the Health and Human Services Committee for the Confederated Tribes of Colville and also the chair for the Portland Area Indian Health Board, 43 tribes of Washington, Idaho and Oregon, and as an executive member of the National Indian Health Board. I have submitted my testimony for the record and will summarize our recommendations.

Let me begin by underscoring the federal trust responsibility to provide health care to Indians and the significant health disparities that affect our people. There is no question that Indian people suffer the highest rates of disease for most health indicators. My written testimony documents these glaring health disparities. This fact along with the trust responsibility makes it a requirement that Congress provide an adequate level of funding for IHS budget. In fiscal year 2011, we estimate that it would take at least \$400 million to maintain current services. I hope the subcommittee recognizes that the \$25 million increase was less than adequate funding in fiscal year 2011. We urge the subcommittee to support the level of funding requested in the President's fiscal year 2012 budget request. The President's 2012 request will help to preserve services by restoring lost funding to inflation, population growth, pay costs, contract support costs that were not funded in the fiscal year 2011 budget. We recognize that this might seem like a sizable increase given the current fiscal estimate. However, I hope you will balance the request with the principles of the federal trust relationship and the fact that Indian people have the highest health disparities of any group in the United States.

Our specific budget recommendations include, one, we recommend the subcommittee restore funding eliminated in the President's request for tribal pay costs. We estimate this funding to be at least \$13.4 million based on fiscal year 2011 IHS Congressional justification. These costs were eliminated in the President's fiscal year 2012 request due to the administrative policy to freeze federal pay increases. If the tribal health system does not maintain pay cost requirements, it will be difficult to remain competitive, to recruit and retain health care professionals.

Two, we recommend an additional \$50 million be provided for the contract services program. The contract health program comprises 34 percent of Idaho, Oregon and Washington tribes' budget. Since we do not have hospitals, we must rely on CHS programs for all specific inpatient care.

Three, we do not support the \$6 million increase for business operation support. If the IHS cannot effectively utilize the resources it has now, then provide it with the additional funding to address

material weaknesses in processing the billing CHS claims dealing with business office practices and address weaknesses in the united financial management system will only result in the same dysfunction. Tribes have effectively managed these same growth challenges as IHS. If it is truly to address CHS needs, then the \$6 million should be reprogrammed to the CHS budget line item.

Four, we further recommend the subcommittee provide an additional \$53 million to fund past years contract support cost shortfalls that are owed to tribes under Public Law 93638. The achievements of Indian self-determination have consistently improved services delivery, increased services levels and strengthened tribal government services for Indian people. Every Administration since 1975 has embraced the policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act.

Five, we urge the subcommittee to include bill report language that directs the IHS Director to fund innovative approaches for facilities construction in Indian Country. Over 15 years, the Portland area developed—

Mr. COLE. I do not mean to interrupt, but we are going to need to wrap up the statement pretty quickly, please.

Mr. JOSEPH. The small ambulatory construction program—this program has been very beneficial for addressing facilities construction needs throughout Indian Country. Once again, the Portland area tribes have developed a new regional referral specialty care center concept that holds great promise to innovative approach to addressing health facility needs. Our proposal has been shared with the IHS Director, who equally believes it holds great promise.

We appreciate this opportunity to meet with the committee staff to understand our proposal and how we might be able to move this concept. Thank you, and I am happy to take any questions.

One of the things I would like to say is, today one of my comrades is being buried, and his service is in White Swan. His family is related to me from the Yakima Nation, and he was a young soldier that gave his life, and he swore an oath to uphold the Constitution of the United States, and I expect the Congress here to remember that oath and to remember our soldiers that swore to protect that for us as I did myself. Thank you.

[The statement of Andrew Joseph follows:]

**Testimony of Andrew Joseph, Jr.
The Northwest Portland Area Indian Health Board**

Before:

**House Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing**

May 4, 2011

Good morning Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. On behalf of the 43 Federally-recognized Tribes that the Northwest Portland Area Indian Health Board represents, we thank you for this opportunity to provide testimony on the Indian Health Service (IHS) budget to the subcommittee.

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. Over the past twenty-one years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative document on the IHS budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

Indian Health Disparities

The Indian Health Care Improvement Act (IHCA) declares our Nation's policy is to elevate the health status of the AI/AN people to a level at parity with the general U.S. population. Over the last thirty years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972-74 and 2000-2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.¹

While Tribes have been successful at reducing the burden of certain health problems, there is strong evidence that other types of diseases are on the rise for Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.² In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rate and that for the general population might be widening in recent years. These data document the fact that despite the considerable gains

¹ FY 2000-2001 Regional Differences Report, Indian Health Service, available: www.ihs.gov.

² Ibid.

that Tribes have made at addressing health disparities, that in some instances these gains are reversing themselves that the health of Indian people could be getting worse.³

Recommendation: Maintain Current Services

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request and Congress. Preserving the IHS base program by funding the current level of health services should be a basic budget principle by Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained?

Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, federal and tribal pay act increases, population growth, and contract support costs.

Our analysis of the IHS budget indicated that it would have taken at least \$474 million to maintain current services in this current fiscal year. The President's request in FY 2011 (an increase of \$354 million) would come close to funding the mandatory costs of current services. Unfortunately, IHS and Tribal health programs will now suffer the consequences of the current budget debate despite the duty and obligation of the United States to provide health services. The current budget debate to curtail discretionary spending will have a severe effect on IHS and Tribal programs if they are not adequately funded. Respectfully we request that the Subcommittee recommend that IHS and Tribal health programs be exempt from any reductions in discretionary spending. This request should be honored in recognition of the duty and obligation that the United States has to provide health care to Indian people. It is further compelling when one considers the severe health disparities that AI/AN people suffer.

Per Capita Spending Comparisons

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001 and last year's 14% increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2009, we estimated that it would take at least \$513 million to maintain current services⁴. The final appropriation for the IHS was a \$235 million increase, falling short by \$278 million. This means that Tribes must absorb unfunded inflation and population growth by cutting health services.

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS

³ Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: <http://www.doh.wa.gov/hws/HWS2007.htm>.

⁴ FY 2009 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 17, 2008; available: www.npaihb.org.

beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.⁵

FY 2012 IHS Budget Recommendations

The NPAIHB supports the level of funding requested in the President's FY 2012 budget request. The President's request is \$571 million over the FY 2010 enacted level. While this might seem like a sizable increase, it is only \$217 million over the President's FY 2011 request. These increases in FY 2011 and FY 2012 taken together are still less than adequate to cover the costs of maintaining current services. We urge the Subcommittee to fund the levels in the President's request.

We also recommend that the Subcommittee provide additional funding to cover the IHS Contract Support Cost (CSC) now estimated to be at least \$153 million. CSCs cover the administrative cost of Tribes carrying out IHS federal trust responsibilities. The benefits of Tribes operating IHS programs are well documented. For years the Administration failed to request adequate funding for CSC obligations, and the resulting shortfalls grew. In 2010, with the assistance of this subcommittee, the Congress and the President supported a \$116 million increase to reduce the IHS contract support cost shortfall by about one-half. It is estimated that CSC increase will restore an estimated 2,000 to 3,000 jobs in Indian Country. We recommend that the Subcommittee provide additional funding to cover the CSC obligations owed to Tribes.

Additional Recommendations:

1. NPAIHB recommends that the Subcommittee restore funding eliminated in the President's request for Tribal pay costs. We estimate this funding to be \$13.4 million based on the FY 2011 IHS Congressional Justification. These costs were eliminated in the President's FY 2012 request due to the Administration's policy to freeze federal pay increases. Employees in the Tribal health system are not federal personnel and should not be subjected to this Administrative policy. In most instances tribal employees are not compensated at the same level as IHS federal personnel and rely on pay cost increases for their economic well-being. If the Tribal health system does not maintain pay cost requirements it will be difficult to remain competitive to recruit and retain health care professionals.
2. NPAIHB recommends that at least an additional \$50 million be provided for the IHS Contract Service Program (CHS). The CHS program is extremely important for Northwest Tribes since the Portland Area does not have any hospitals and must rely on the CHS program for all specialty and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. Because of this, the CHS program makes up 34% of the Portland Area budget and when less than adequate inflation and population growth increases are provided, Portland Area tribes are forced to cut health services to absorb these

⁵ Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

mandatory costs. Those IHS areas that have inpatient care can absorb CHS funding shortfalls more easily than the CHS dependent areas with their larger size staffing packages and infrastructure. The Senate Committee on Indian Affairs' 2011 Views and Estimates letter highlights the fact that the unmet need in the CHS program is at least \$1 billion and certainly an additional \$80.2 million is justified.

3. We recommend that the Subcommittee provide an additional \$53 million to fund past year's CSC shortfalls that are owed to Tribes under P.L. 93-638. The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people. Every Administration since 1975 has embraced this policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act in 1988 and 1994.

We understand that our recommendations may seem unreasonable in current fiscal environment, however when you consider the significant health needs of Indian Country they are realistic. We hope that you will be able to fund our recommendations and look forward to working with the Subcommittee on our request.

Thank you for this opportunity to provide our recommendations on the FY 2012 IHS budget. I am happy to respond to any questions from the Subcommittee.

Mr. COLE. Thank you, and thank you for your service. I note with a great deal of satisfaction the emblem you have for the United States Army, so we very much appreciate your service as well.

I am going to go directly to you, Chairman, particularly since we have somebody from your home state, and I will ask my questions after Mr. Moran asks his.

Mr. SIMPSON. Thank you.

Let me first ask, Robert, you and the Cherokee Nation sued the Federal Government over contract support, right?

Mr. BEAR. Yes, we did.

Mr. SIMPSON. And the Supreme Court said essentially that the government was in default by not paying the contracts, that we have to pay the contracts, right?

Mr. BEAR. That is correct, Chairman.

Mr. SIMPSON. And then we started paying but not the full cost of the contract support. Has a lawsuit followed up anywhere that I am not aware of that is suing the government over not paying the full cost of the contract support?

Mr. BEAR. Not that I am aware of currently, but that is our situation with IHS right now. We do have a self-governance compact but there is still a shortfall, though.

Mr. SIMPSON. Well, as you know, that is one of the things that we focused on during this last budget was trying to get the funding up for contract support because last year during the testimony from tribes, what we heard from almost everybody that testified was the issue of contract support and not covering those costs, and so we made a substantial effort to address that last year when we wrote the C.R., and I will tell you, since Mr. Moran is here, he was a great chairman when he was in charge in terms of Indian Country and making sure that we put the resources in there to do what is necessary to meet our obligations. The same was true with Mr. Dicks when he was chairman of it, so I think the committee has shown some bipartisan support in trying to make sure that we meet these obligations that we have. It is going to be more difficult under reduced budgets that we had in our Continuing Resolution and in next year's budget but we will do everything we can to make sure that we need those contract support obligations that we have, not just because it is right thing to do; we have an obligation to do it. So I appreciate that.

Nathan, welcome and thanks for being here today. Where are we with the regional detention facility? Because we had put language in directing the department to look at that possibility, and if you look at the number of tribes across the country, 560 something or whatever it is, you are not going to be able to build a detention facility like Fort Hall built in every one of these locations, and it makes sense to start looking at some regional sorts of facilities, and have we come anywhere with that?

Mr. SMALL. Last word I got was I think there was tribes in Wyoming and in Nevada and possibly Utah that are looking at possibly using our place as a regional jail, but there has not been a lot of talk and there has not been a lot of anything to really get that nailed down, and we feel that there is even other places that could

utilize our area as a regional jail, especially in northern Nevada and the eastern part of Nevada.

Mr. SIMPSON. Has the department done anything to look across Indian Country and say, you know, where could regional detention facilities be built that make sense, that would be usable and accessible? You mentioned western Nevada. You know, we do not want to transport people all across the country, but to do it within a region where they would have access to their families, their families would have access to them and those types of things makes some sense.

Mr. SMALL. Yes. I think they were—last I heard, they were looking at anywhere from a five- to an eight-hour drive from the regional facility to the outlying areas, and that is just what I have been hearing. However, I am not absolutely sure on a lot of that stuff.

Mr. SIMPSON. Well, your tribe did a great job, and you went out and built this with your own funds, and the only thing you are asking of the BIA is to help the operational costs of it, and we have done the same thing. I know Tom has mentioned in Oklahoma where tribes have used their own funds to build a hospital, and you mentioned the same thing too, that tribes are stepping up to the plate and building these facilities that are necessary. The BIA needs to step in and make sure that they have the people to operate these facilities that the tribes are putting their resources into, so we look forward to seeing you in August, and we will be out there, and Tom, you will get a firsthand view of this.

Mr. COLE. I am looking forward to it, Mr. Chairman.

Mr. SMALL. Okay. Great. I welcome you guys there.

Mr. SIMPSON. I do not know if you know this yet. We are trying to put together a plan. We want to visit several areas across the country on probably two or three different trips.

Mr. COLE. The chairman said he could probably get me there in time to watch Boise's August training.

Mr. SIMPSON. And I want to say, it was a great football game with Boise State and Nevada, and I love good football games regardless of who wins.

Mr. COLE. Do not believe that. He cares very much about who wins.

Mr. Moran.

Mr. MORAN. Thanks, Mr. Chairman. These issues are a classic case in point where I think the tribes' best interests are served if I follow the leadership and judgment of you and Chairman Simpson, and so at this point I am just going to listen and learn and, as I say, follow your lead. But thank you, Mr. Chairman.

Mr. COLE. Well, thank you very much, and again, I am going to make the point, I have made it before, it needs to be made frequently, we made a lot of progress in the last few years, and Chairman Simpson and Chairman Moran are two of the big reasons for that. This is actually one of the committees that really does work exceptionally well on a bipartisan basis and takes these responsibilities seriously, and quite honestly, the Administration has done a good job here in the last couple years stepping up in a lot of different ways as well, and so we appreciate that.

I have one comment I wanted to make and then I have a couple quick questions. A comment, I am interested for any of you that are involved in gaming. This really was sparked by something Representative Richardson said. It made me begin to think. I know that she mentioned gaming and how important that was, and just for the record, the difference in taxation rates between gaming facilities is dramatic, and some states look on tribes as an asset and keep that relatively low. They make money. Oklahoma, I think our compacts are around 6 percent, but we try to keep the tax rate roughly where it is for industry. Other states, it is higher, it is way higher than any other industry would pay. It might be 25 percent of the gross in some places like that. That is something maybe sometime we ought to take a look at, because when they do that, what they are effectively doing is taking money out of a tribe's hand that would otherwise be spending it on, guess what, health care, education, services and that sort of thing. There ought to be some sort of federal limitation that you cannot take more from a tribe than you would from a business in your own state. I do not know if we have that ability or that power because compacting is pretty much a negotiation, but there is a big difference in some states where the state has really a hammer over the head of the tribes and uses it as a cash cow.

I am particularly interested, a couple of you made the remarks about education, so I think you mentioned that, Mr. Small, and I think you did as well, Mr. Bear, although most of yours was on health care. Do you actually have a BIE school?

Mr. SMALL. Yes, we have a school that was built here probably about 10, 15 years ago after about 30 years of lobbying for it and we finally got the school built for us and it houses our junior and senior high schools. One of the reasons why we have that is because the surrounding school district that has been educating our youth has somewhat been a failure to a lot of our people. There are a few success stories out there but the majority of them were not getting the educational thing, so the tribes felt at that time it would need to be building our own school and let us capture those people before it is too late. Well, I also mentioned that we added a 6th grade. Well, a lot of our students that are at our junior and senior high school right now, they come from the outside districts where they are a failure so they come to the tribal school to try and catch up, and it takes a lot of effort on our schoolteachers and staff to bring them back up to speed and sometimes it just does not quite get there, so we thought we would go a little lower and capture the 6th grade and see if we can follow up with the 6th grade all the way to the time that they graduate, they would have a better educational opportunity to have that happen.

Mr. COLE. On the funding, is the funding that the Federal Government provides for the school comparable on a per-pupil basis with what is provided in the surrounding school districts?

Mr. SMALL. I believe right now they are only funding at about \$3,000 per student.

Mr. COLE. So quite a bit less, I would think.

Mr. SMALL. It is a lot less. It is almost half of what is on——

Mr. COLE. I am going to keep making this point, but I think, again, as a committee, we ought to begin to look at that. We have

a federal trust responsibility. I do not see how in the world you fulfill it if we are not funding students at the same level that they are being funded in the state around it. There does not have to be the same level nationally but we ought to be providing kids comparable economic support with what they are getting locally.

Mr. SMALL. Yes.

Mr. COLE. One other quick question, if I can direct it at you, Mr. Melendez. I was very interested in what you had to say about the challenges you have with an urban reservation and health care, and we see a lot of this in Oklahoma as well. Do you get any particular extra money because you are taking care of a much larger population than your tribal population?

Mr. MELENDEZ. Not really. It is pretty much the same budget that we have every year. It increases slightly because of the overall—you know, I think the President increased Indian Health Service across the board but it was not really—

Mr. COLE. But there is no special provision for—I know in Oklahoma we have urban Indian health care facilities that again deal with large populations. Oklahoma City is not even in Indian Country. Most of the state is. And so we have one there. It is a special one to take care of the Native population. In Tulsa, we have overlapping jurisdiction. There is tribal jurisdiction but there is also a separate Indian health care facility that is really non-tribal affiliated to help with exactly this sort of thing so that the tribes are not picking up beyond, really their own membership. But is there no BIA program? I mean, you are clearly in a very special situation. We are mandating you take care of a very large population and we do not provide you any extra resources to do that?

Mr. MELENDEZ. Not really. Right now, of every four people that comes to the door of our health center located in an urban setting, only one is a tribal member, so it is a four-to-one ratio, and the urban population, because the State of Nevada is also a Contract Health Service delivery area, the whole state, that does not really help the situation because more people are gravitating to the city for jobs and so we get that increased number of people that we cannot turn away, because the crossover. Other tribes 30 miles away come to our brand-new facility. We cannot turn them away either so they think we have better services, they come to our facility, saving their own money and basically using our doctors, and we can only see so many at one time. So it is a problem for urban tribes.

Mr. COLE. That is something we really need to look at figuring out what we can do. That is a very unfair burden on your tribe.

Ms. McCollum.

Ms. MCCOLLUM. Representative Cole, you have me thinking of doing more research on how school-aid formulas are put together, and I am looking in Minnesota in particular.

But sir, do you know if it is just a state match or if there is property taxes that are levied that are part of the blend for the per-pupil dollars that go towards children in public school?

Mr. SMALL. The state does not provide anything to our tribal school.

Ms. MCCOLLUM. To your tribal school, but to the public school district? Because Representative Cole has been making, I think, an

interesting and a very valid point that at least children in the same state should have an expectation of a level playing field. For example, in Minnesota, it is in the constitution so the state has the responsibility, be there additional property taxes that can be levied so there are disparities even within the state as to how much children are receiving, and I think you are looking to go towards an aggregate. But I am wondering if you know in your state besides what the state puts in towards the state public school, do communities levy property taxes and levy money for bonding? You might not know living where you do, so I do not mean to put you on the spot.

Mr. SMALL. Well, no, they do have local levies that they have for specific, many for construction, but as far as putting extra money into the actual curriculums and those kinds of things, I do not think that is occurring there as far as extra taxes and those kinds of things that go on on the outside. And Public Law 874 I think provides some of that funding to the outside school district for the students that do attend there.

Ms. MCCOLLUM. Thank you.

Mr. COLE. Well, thank you very much, gentlemen, for your testimony. Once again, we are running behind. It is always my fault. But thank you very much for what you had to say. I appreciate it.

If we could, we will call our next panel, and I hope I do not mispronounce anybody's name: Mr. Suppah, Ms. Pigsley, Ms. Brigham, Mr. Blythe. Do we have two Ms. Brighams? No, you are just down twice. I guess you get extra time. And Chairwoman Kennedy.

Okay. If we could, we will proceed as we did with the last panel. We will just start on our left, your right, and if you would identify yourself and then you have got five minutes, and obviously we try to be generous. I think there is somebody here who is representing two constituents so we will give you a little bit of extra time if you need it. If we can, we will go ahead and get started.

WEDNESDAY, MAY 4, 2011.

**CONFEDERATED TRIBES OF THE WARM SPRINGS
RESERVATION OF OREGON**

WITNESS

RON SUPPAH, VICE-CHAIRMAN

Mr. SUPPAH. Good morning, Mr. Chairman. I am Ron Suppah, Vice-Chairman for the Confederated Tribes of Warm Springs Reservation of Oregon. I thank you for this chance to testify today. We did submit our written testimony, and I will just summarize briefly what the testimony states.

I also want to express the Warm Springs Tribes' appreciation for your efforts to maintain the BIA and IHS budgets serving the Indian people. In these times, we thank you for your courage and your dedication.

We wish the economic picture could be brighter, Mr. Chairman, because there are still many areas in the BIA and IHS budgets that need attention. Below, I want to set out the Warm Springs tribes' priorities for fiscal year 2012 increases.

First, Warm Springs is a timber tribe with approximately 250,000 commercial forest acres, and we ask that the BIA's forestry and forestry project budgets be increased substantially. Since fiscal year 2004, the forestry budget has fallen behind inflation by more than 40 percent. This loss of forest management capacity could be testing the bureau's ability to fulfill its trust responsibilities. Regarding the forest projects budget, we ask that it receive a \$5 million increase for reducing the backlog of commercial forest acres in need of forest development treatment throughout Indian forests across the country.

The Warm Springs Reservation also must manage for northern spotted owl, spring Chinook salmon and steelhead, all ESA listed species, with inadequate resources. For the owl, we receive less than half of what we received more than 12 years ago. To help the BIA endangered species budget meet its mandates, Warm Springs requests that it be funded at \$5 million with \$2.3 million of that dedicated to northern spotted owl and marbled murrelet.

Warm Springs supports the increases provided for law enforcement in recent years. That has put more law enforcement personnel in tribal communities but they remain unfortunately low paid and personnel turnover is a big problem. Therefore, we are encouraged that portions of the fiscal year 2012 investigations and police services increase and a portion of the detention and corrections fiscal year 2012 request are to help boost tribal base budgets which can help address this low-pay problem.

We also support the conservation law enforcement officer initiative. Such personnel are needed on our reservation where they are patrolling our forests and waterways and protecting our natural resources and allow our Warm Springs police to focus on community safety.

In education, for fiscal year 2012, we urge that you double Johnson-O'Malley funding to \$27 million. Johnson-O'Malley is the only elementary and secondary education support provided by the BIE for the more than 85 percent of Indian children who are in public schools. Its funding has declined to just \$13.4 million for fiscal year 2012 and it really should be at least doubled to preserve a semblance of BIE commitment to those Indian public school students.

In the Indian Health Service, Warm Springs requests you round up the \$89.6 million increase for Contract Health Services to a full \$100 million to simply underscore your commitment to addressing the \$1 million backlog in deferred services. In the Northwest, where there is no IHS hospital, Contract Health Service remains a critical issue. Also in IHS, we request that \$50 million be added to contract support costs, specifically for new contracts, and that those funds be used for that purpose. Today, IHS directs all contract support funds to existing contracts, basically shutting out any new contracts. Simply equity demands that we change.

Finally, we ask that the subcommittee check to make sure the IHS northwest regional office's distribution of discretionary funds fairly and fully includes the direct service tribes. It seems altogether too often that those funds go to self-governance tribes, and direct service tribes just want to make sure we are treated fairly.

That concludes my testimony, and I would like to thank the subcommittee for its time and attention.

[The statement of Ron Suppah follows:]

**TESTIMONY SUBMITTED BY RON SUPPAH, VICE CHAIRMAN,
THE CONFEDERATED TRIBES OF THE WARM SPRINGS
RESERVATION OF OREGON,
to the HOUSE APPROPRIATIONS SUBCOMMITTEE
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
REGARDING FY 2012 APPROPRIATIONS FOR
THE BUREAU OF INDIAN AFFAIRS and THE INDIAN HEALTH SERVICE
May 4, 2011**

SUMMARY

Mr. Chairman, I am Ron Suppah, Vice Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I hereby present the following requests for the FY 2012 BIA and IHS appropriations.

- 1) Preserve and enhance BIA and IHS budgets.**
- 2) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.**
- 3) In BIA Forestry Projects, add \$5 million for Forest Development.**
- 4) In BIA, provide \$5 million for Endangered Species funding, including \$2.3 million for Northern Spotted Owl and marbled murrelet surveys.**
- 5) In BIA Law Enforcement, support funding increases for Criminal Investigations, Detention/Corrections, Conservation Law Enforcement, and Tribal Courts.**
- 6) In BIE, fund Johnson O'Malley at \$27 million.**
- 7) In IHS, expand Contract Health Services funding by \$100 million.**
- 8) In IHS, A) add \$50 million to Contract Support Costs designated to new contracts, B) require that Contract Support Cost appropriations for new contracts be used for those purposes, and C) protect Direct Service Tribal funds at the Regional level.**

1) Preserve and enhance BIA and IHS budgets.

Mr. Chairman, the Confederated Tribes of the Warm Springs Reservation of Oregon wish to express our appreciation for your efforts, and the efforts of this Subcommittee, to preserve the Bureau of Indian Affairs and Indian Health Service budgets serving the Indian people. Certainly, these are difficult fiscal times, but from our Tribe's perspective, federal obligations to Indian tribes are not contributing factors to these difficulties and are pursuant to U.S. duties based on treaties, laws, and executive orders. Yet all too often across history, the United States has treated the funding of Indian programs with indifference, if not hostility, allowing them to lag when the budget is otherwise increasing and then requiring a full portion of sacrifice when times are tight. It is no surprise that our communities struggle, and we really want to express our thanks for the courage and dedication you demonstrate in seeking to protect our programs in these times.

With that in mind, we also wish to comment below on the proposed FY 2012 BIA and IHS budgets, to keep the Subcommittee apprised of our priorities and concerns.

2) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.

Mr. Chairman, I am pleased to note the \$1 million increase requested for BIA TPA Forestry. It is long overdue, and we urge, at the very least, its retention in the BIA's FY 2012 budget. But it remains deeply insufficient. From October 2003 – the start of FY 2004-until January 2011, inflation has risen 19%. During the same period, the BIA Forestry budget has increased by only 11%, and absorbed personnel and other fixed cost increases have further

eroded the program's effectiveness. Increasingly, the BIA is unable to perform the detailed, comprehensive management required of modern forest ecosystems. In fact, our Tribe has challenged the BIA for failing its trust responsibility to manage our natural resources, principally including our forest, and other tribes are also looking into similar challenges. Our Tribe has initiated action to assume the BIA's role in this regard. However, adequate funding is eroding, making a problem situation more challenging. To start to correct the situation, to start moving the funding of Indian trust forestry toward parity with the funding the U.S. provides for managing its other forests, Warm Springs urges a multimillion dollar Congressional increase to BIA Forestry for FY 2012 as the start of a long-term initiative toward more equitable federal management of Indian trust forests.

3) In BIA Forestry Projects, add \$5 million to Forestry Projects for Forest Development.

In the BIA Forestry Projects budget, Warm Springs urges an increase of \$5 million to begin eliminating the one million acre backlog of Indian trust commercial forest land in need of Forest Development treatment, including thinning and replanting. Nationally, this is about 20% of the tribe's 5 million commercial trust forest acres. For timber tribes, forests are often an economic mainspring, and 20% of that acreage must not be allowed to remain underproductive or out of production altogether. At Warm Springs, much of our 250,000 acre commercial forest is in need of thinning, replanting, fuels reduction and pest control. As on other commercial Indian forests, these treatments improve the health and resiliency of our principal resource and improve its future value. Moreover, Forest Development work is mostly done by tribal crews, and provides good, healthy productive work for the many unemployed throughout Indian Country, particularly our young people. With tribal economic development such a national priority and with Native American unemployment persistently three, four, or five times higher than the overall population, Forest Development funding should be supported by Congress as a key tool for building tribal economic value and jobs, both today and in the future.

4) In BIA, provide \$5 million for Endangered Species funding, including \$2.3 million for Northern Spotted Owl and marbled murrelet surveys.

In FY 1993, with the advent of the Northern Spotted Owl ESA listing in Northwest forests, this Subcommittee initiated BIA Endangered Species funding to help address the owl on tribal lands. In FY 1995, Congress provided \$1.83 million to BIA for northern spotted owl and marbled murrelet activities. In FY 2002, Congress provided a total of \$3 million for BIA's national Endangered Species program. Thereafter, despite ESA mandates upon tribes, BIA Endangered Species appropriations requests dwindled to the point that, in FY 2007, it only funded one position in the Central Office, and there was zero funding directed to reservation-level ESA work anywhere in the United States.

Since then, Warm Springs appreciates this Subcommittee's work to restore the BIA's ESA program. BIA distributes that funding to more than thirty-one locations nationwide, of which Warm Springs receives about \$45,000 for the northern spotted owl. Regretfully, that amount can only address a fraction of our ESA needs, and is less than half of what we received for the northern spotted owl more than twelve years ago, without factoring in inflationary adjustments. Additionally, our Reservation is affected by listed spring Chinook and summer steelhead, for which no funding has been designated, making them pure unfunded mandates.

Today, the U.S. Fish and Wildlife Service is completing a draft court-directed Revised Recovery Plan for the Northern Spotted Owl that includes all high-quality habitat on Indian trust land, potentially subjecting more Indian trust land to the dictates of NSO habitat management. More than twenty tribes could be affected, yet for FY 2012, the Administration is requesting only \$1.247 million for Endangered Species mandates on Indian land nationwide. Warm Springs requests that the Subcommittee provide at least \$5 million for the BIA Endangered Species budget nationwide, and that at least \$2.3 million of that be designated for Northern Spotted Owl and marbled murrelet surveys on affected reservations. These species are still listed, ESA compliance is required, and now the range of tribal lands potentially involved is poised to increase.

5) In BIA Law Enforcement, support funding increases for Criminal Investigations, Detention/Corrections, Conservation Law Enforcement, and Tribal Courts.

Mr. Chairman, the Warm Springs Tribe appreciates the national BIA law enforcement increases provided by the Subcommittee in recent years. While our Tribe directly funds our patrol officers, the BIA funds our detectives and a significant part of our detention personnel. Both of those functions have seen modest increases in the last two years, but not enough to address a law enforcement staffing problem that plagues Warm Springs and many other tribes that contract law enforcement functions – the continual loss of trained personnel due to low pay. Our 638 funding from BIA is simply insufficient to retain trained law enforcement personnel. We work hard to attract new hires, but after a couple of years on the job, when they are trained and familiar with our community, they leave for better paying jobs. Accordingly, we support the FY 2012 proposed increase for Criminal Investigations & Police Service, of which we understand \$3.5 million will go to tribal base funding, and the \$10.4 million increase for Detention/Corrections, a portion of which should also go into tribal base funding. Both of those increases could help ease the pay inadequacy of our detectives and detention personnel.

We also support the \$1 million to initiate a Conservation Law Enforcement Officer program. Conservation enforcement assistance is needed at Warm Springs. As a timber tribe with National Forest on three sides, forest products theft is a constant problem, and illegal marijuana groves are becoming an increasing problem here and on other reservations. Our eastern and southern boundaries are described by rivers rich with fish and popular with the recreating public, so policing for illegal fishing is needed. A Conservation Law Enforcement officer would help with all these issues, allowing regular Tribal law enforcement personnel to focus on other matters such as increased gang violence and drug activity with surrounding jurisdictions.

We also support the \$2.5 million increase for Tribal Courts, which are an essential governmental element for both the exercise of sovereignty and effective public safety and law enforcement.

6) In BIE, fund Johnson-O'Malley at \$27 million.

Mr. Chairman, for FY 2012, we urge that you double Johnson-O'Malley funding to \$27 million. While the Bureau of Indian Education request of \$526 million for Elementary and Secondary Education provides direct services to perhaps 15% of Indian children, the only BIA Elementary and Secondary Education funding available for the remainder of Indian school children is Johnson-O'Malley, which has declined from \$16.7 million in FY 2004 to the \$13.4 million requested for FY 2012. Moreover, in recently past years, the Administration has sought

to eliminate JOM altogether. But JOM funds are essential. They are the only federal education funds subject to tribal direction for tribal students in local public schools. BIE has an obligation to all Indian children, and for at least 85% of them, JOM is the only evidence of that. Compared to half a billion dollars for perhaps 15% of Indian school children, doubling JOM to \$27 million is a modest but helpful gesture in recognition of the U.S. treaty and trust obligation to assist all Indian school children. It will also help address the growth in the number of Indian school age children to become more self reliant adults and citizens.

7) In IHS, expand Contract Health Services funding by \$100 million.

The Warm Springs Tribe appreciates the Administration's and this Subcommittee's strong support in recent years for IHS Contract Health Services (CHS). The FY 2012 CHS request is particularly encouraging with increases of \$79.7 million to maintain its level of service and \$89.6 million for program expansion. We ask that the Subcommittee accentuate this positive effort by increasing the CHS program expansion to a full \$100 million. An increase of \$10.4 million, while admittedly modest, would clearly signal the Subcommittee's commitment to working through the long and growing backlog of non-life-or-limb CHS cases that today is estimated to exceed \$1 billion. With no IHS hospital in the Northwest, tribes in our Region are dependent on CHS funding for at least minimum health care. We believe rounding up CHS expansion to \$100 million would be an important step in starting to seriously work through the backlog.

8) In IHS, A) add \$50 million to Contract Support Costs designated for new contracts, B) require that Contract Support Costs for new contracts be used for those purposes, and C) protect Direct Service tribal funds at the Regional level.

Mr. Chairman, for years the IHS has had a de facto moratorium on new Indian Self-Determination Act contracts. They won't issue a new 638 contract unless they have contract support cost funds for it, and all contract support funds, including Congressional increases, are consumed trying to satisfy existing contracts. Given such statements in IHS's justification, apparently the agency has no intention of changing this unfairness. Congress must intervene to break the moratorium and allow new tribal contractors to take part in the sovereign and health care benefits of 638. To that end, we ask that Congress add and designate \$50 million in contract support costs for new IHS contracts and require those funds be used for that purpose by changing the IHS appropriations language from "may" to "shall" to mandate that appropriations for new or expanded contract support costs "shall" - not "may" - be used for new or expanded contracts.

We also ask that the budgetary interests of Direct Service Tribes in otherwise unobligated Regional Office funds be protected for those Tribes. Too often, Portland Region Direct Service Tribes have seen the lion's share of discretionary Regional Office funds sent to Self-Governance tribes, with little or nothing left for the Direct Service Tribes. We ask that the Subcommittee inquire into this practice and take appropriate corrective action to assure the fair and unbiased participation of Direct Service Tribes in IHS resources.

That concludes my testimony. Thank you.

Mr. COLE. Thank you very much. If we could, we will move along.

WEDNESDAY, MAY 4, 2011.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

WITNESS

N. KATHRYN BRIGHAM, SECRETARY, BOARD OF TRUSTEES

Ms. BRIGHAM. Good morning. My name is Kathryn Brigham. I go by Kat Brigham. I am a member of the Confederated Tribes of the Umatilla Indian Reservation. I am also the elected official for the tribe and serve as the board of trustees' secretary, and I am here today on behalf of the tribe supporting the Indian Health Service to approve the administrative IHS budget in the amount of \$4.6 billion, which includes much-needed increases in the Contract Health Service of \$89.6 million, catastrophic health emergency funds, \$10 million, and contract support of \$63.3 million. The other thing we support is the BIA public safety adding \$30 million to the tribal courts for public defenders and related extension costs and BIA rights protection, restoring the 2,101,000 elimination of litigation support attorney fees.

We appreciate you guys stepping up for the fiscal year 2011 and 2012 and we are hoping, we know this is tough times and we are hoping that in these tough times you are able to step up again to help us in this funding crisis. I was really pleased to hear, you know, you have accepted the trust responsibility to the tribes and the obligations that you have. We signed treaties. The Federal Government has a trust responsibility to the tribes and we are continuing to ask that the Federal Government live up to that trust responsibility in seeking the funding that we have been asking for for some time. I think we have made substantial improvements through the gaming but we also need assistance as well. Our Contract Health Service is establishing priorities and saying yes or no, you can have contract health, and this is early in the year, I mean, so this is something that we all have to face.

And I just also want to add, you know, you brought up education. Our tribe has a charter school that was developed. This is our seventh year. That charter school has been supported by the Pendleton School District, and with that charter school, we are able to—we have increased our graduation rates. It used to be down to 40 percent. Now we are up to almost 97 percent.

Mr. COLE. Wow.

Ms. BRIGHAM. So it is a substantial increase, and while these students are not only learning, they are learning their grades, keeping their grades up, but they are also learning their language, culture and history, so we are really pleased with our charter school but we want to increase that as well. We are looking for a building too because right now it is in one of our old buildings that, you know, we vacated and so they are in there.

I think also we have real concerns with the enforcement. We are really glad with the law enforcement act that was passed but we

also need to have the trained judges and the training that is needed to implement the law enforcement act.

I guess, again, you know, I thank you for this opportunity and I support everything that was basically said this morning. I think it is something that is needed.

Do you want me to go on to CRITFC?

[The statement of N. Kathryn Brigham follows:]

**Confederated Tribes of the
Umatilla Indian Reservation**
Board of Trustees & General Council



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**Testimony of N. Kathryn Brigham, Secretary, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation**

Regarding the FY 2012 Indian Health Service and Bureau of Indian Affairs Budgets

**Before the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies**

May 4, 2011

On behalf of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), thank you for the opportunity to submit testimony in support of budget items in the FY 2012 Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) appropriations. The CTUIR supports the following:

1. In Indian Health Service, approve the Administration IHS budget in the amount of \$4.6 billion which includes much needed increases for Contract Health Services (\$89.6 million), Catastrophic Health Emergency Funds (\$10 million) and Contract Support (\$63.3 million);
2. In BIA Public Safety, add \$30 million to Tribal Courts for public defenders, law trained judges, and related detention costs;
3. In BIA Rights Protection, restore the \$2,101,000 elimination of Litigation Support/Attorney Fees.

The CTUIR entered a Treaty with the United States in 1855 in which we ceded to the United States over 6.4 million acres in exchange for our tribal homeland on the Umatilla Indian Reservation, recognition of our Tribal sovereignty and the rights we reserved to fish, hunt, graze cattle and collect our traditional foods and medicines. The trust obligations of the United States that originate in our Treaty, and subsequent federal laws, are given effect by the programs funded by the BIA and IHS budgets that are the subject of this testimony. On behalf of our Tribes, we appreciate this opportunity to provide the Subcommittee our views on these important budgets.

Before addressing any specific budget issue, it is important that this Subcommittee be reminded of the historic underfunding of tribal programs. As detailed in the Civil Rights Commission July 2003 report entitled *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*, the underfunding of tribal programs is extensive and has serious and adverse impacts on the delivery of governmental services to tribal communities. In the Commission's letter of transmittal to the Congress, the Commission stated that its study:

“reveals that federal funding directed to Native Americans through programs at these agencies [which include the BIA and the IHS] has not been sufficient to address the basic and very urgent needs of indigenous peoples. Among the myriad unmet needs are: health care, education, public safety, housing and rural development. The Commission finds that significant disparities in federal funding exist between Native Americans and other groups in our nation, as well as the general population. Among immediate requirements for increased funding are: infrastructure development, without which tribal governments cannot properly deliver services; tribal courts, which preserve order in tribal communities, provide for restitution of wrongs, and lend strength and validity to other tribal institutions; and tribal priority allocations, which permit tribes to pursue their own priorities and allow tribal governments to respond to the needs of their citizens.”

We request that the Subcommittee develop the 2012 BIA and IHS budgets with this historic underfunding in mind.

The CTUIR submits this testimony fully recognizing the economic recession our country continues to labor under and the historic federal deficits that the recession has created. The Subcommittee needs to be aware that the CTUIR is doing everything in its power to assist in the provision of governmental services to our tribal community and the residents of our Reservation. With the exception of small dividends that we pay to our tribal membership, all revenues generated by our tribal enterprises are budgeted to supplement the budgets of our tribal departments providing essential governmental services on our Reservation. These tribal enterprise funds are used to supplement the budgets of our Police Department, Fire Department, our State chartered high school, our Public Works Department and the many tribal programs to protect the natural resources on our Reservation and those outside our Reservation essential to the exercise of our Treaty reserved rights.

On behalf of the CTUIR, let me express our appreciation to the Subcommittee for sparing the BIA and IHS budgets from the brunt of cuts the Subcommittee has made for FY 2011. We respectfully request that these budgets receive similar treatment in FY 2012. Our request is based upon our Treaty, the trust obligations of the United States and the historic underfunding of tribal programs as document by the Civil Rights Commission.

Let me first offer specific comments on the IHS budget. Our governing body, the Board of Trustees, has identified improving the health of our tribal community as our top priority and therefore we will address the IHS budget first. Our comments are as follows:

1. The CTUIR strongly supports the Administration's \$4.6 billion IHS budget. Perhaps nowhere in the federal budget is the chronic underfunding of Indian programs more evident than it is in the IHS budget. The IHS budget saw increases of less than 2.5 % in the FY 2002 through FY 2007 budgets that could not keep up with medical inflation costs and increases in the IHS eligible population. For these reasons, the CTUIR urges the Subcommittee to exempt the IHS from any further reductions.

2. The CTUIR specifically expresses its support for the increases in the Contract Health Services (CHS) budget and the Catastrophic Health Emergency Fund (CHEF), which are \$89.6 million and \$10 million, respectively. The CTUIR has compacted with the IHS to operate our Yellowhawk Tribal Health Clinic, a facility where I served as the Chief Executive Officer for ten years before being elected as Tribal Chairman in 2009. Yellowhawk typically exhausted its CHS and CHEF funds long before budget year ended. It is critical that funding for these programs be increased to cover the costs of medical inflation and our growing patient population.
3. Finally, the CTUIR strongly supports the increase in the IHS budget for contract support in the amount of \$63.3 million. As the Subcommittee is aware, contract support costs are mandated by the Indian Self-Determination and Educational Assistance Act, but appropriations have typically been less than the contract support costs incurred by tribes who contract or compact the IHS function. The increase in the contract support line item will help meet the statutory obligation of the federal government to pay the administrative costs associated with tribal operation of IHS funded medical facilities.

The specific CTUIR comments on the BIA budget are as follows:

1. The CTUIR supports the increased funding in the Administration's budget under the Strengthening Tribal Nations category. Specifically, the increase in funding for contract support, law enforcement including criminal investigations and police services, tribal courts and conservation law enforcement, is greatly needed and appreciated. Also, we are pleased to note that most of the proposed increases within this category are in items that are included in the Tribal Priority Allocations or in other project funds, all of which go out to tribes to be used at the local level. As noted in the report cited above, this is one of the critical needs.
2. Passage of the Tribal Law and Order Act in 2010 was an historic event for tribes and a major advancement in their continuing efforts to improve public safety in Indian country. Among those advancements was the enhanced power of tribal courts to sentence felons up to 3 years in jail, provided defendants are accorded public defenders and law trained judges. These kinds of improvements require adequate funding. We recommend Congress fully fund all provisions of the Tribal Law and Order Act that authorize additional funding for law and order programs.

With particular regard to funding implementation of the Tribal Law and Order Act in the BIA Public Safety budget, CTUIR recommends a \$30 million increase for tribal court systems to hire public defenders, law trained judges, and detention related costs (a 2006 unmet needs report indicated a 42% shortfall). While we realize Justice Department funding is under the jurisdiction of a different Appropriations Subcommittee, we would also like to note recommendation of a \$20 million increase in FBI Indian country activities, which includes funding for 50 new Indian country agents; continued funding for Indian country Assistant United States Attorney positions created in 2010; a 7% Indian country set-aside for Office of Justice Program grants, a 50% increase in Indian

country specific COPS grant programs; and increased funding for Violence Against Women Act programs.

3. The CTUIR has prioritized and is actively pursuing a water rights settlement for its tribal homeland in the Umatilla Basin and in the adjacent Walla Walla Basin where agricultural diversions have destroyed once abundant salmon runs. We have been and continue to work cooperatively with the State of Oregon and basin stakeholders to satisfy tribal water rights claims while keeping whole existing water users in the basin. Federal law and policies created the challenge we face – namely that the water has been given away twice: once to the Tribes under the *Winters* federal reserved water right doctrine and subsequently to irrigated agriculture, municipalities and others. The federal government must play an active role in, and fund, the resolution of this problem.

The CTUIR supports the \$1 million increase in the Water Rights Litigation/Negotiation line item, but strongly objects to the defunding of the Litigation Support/Attorney Fees line item. This defunding results in a loss of \$2,101,000 in attorney fees funding to pay for tribal legal costs to negotiate settlements of or litigate tribal water rights claims. We urge the Subcommittee to restore this funding to the BIA budget.

Chairman Simpson and Ranking Member Moran, we appreciate this opportunity to address the Subcommittee on the FY 2012 IHS and BIA budgets on behalf of the CTUIR and recognize that the Subcommittee has the difficult job of appropriating funds within budgetary restraints while being mindful of the federal deficit. We simply ask that you carry out your duty taking into consideration the trust obligations of the United States, the solemn promises made to tribes in their treaties, the historic underfunding of tribal programs and the needs for governmental services in our tribal communities. Please do not hesitate to contact us if you have any further questions. Thank you.

Mr. COLE. Sure.

WEDNESDAY, MAY 4, 2011.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

N. KATHRYN BRIGHAM, SECRETARY

Ms. BRIGHAM. Again, this time I am the Secretary of the Columbia River Inter-Tribal Fish Commission, a commission that has been formed since 1977, and this is an organization to provide technical assistance to the four member tribes: the Yakima Nation of Washington, Warm Springs and Umatilla of Oregon and Nez Perce Tribe of Idaho, and so we coordinate our actions through this body in providing technical assistance to the four tribes, and we are known as CRITFC.

You know, our base budget is through the BIA rights protection implementation account. Our programs are carried out pursuant to the Indian Self-Determination and Assistance Act. We conduct comprehensive treaty rights implementation programs and attempt to remain compliant with court orders such as U.S. v. Oregon, regional intergovernmental agreements such as the accord that was signed with the federal agencies, and the Pacific salmon treaty, an international treaty. Together, the tribes' managers and co-managers, we are about the size of Georgia in the area in which they cover. We also have taken a lead in ecosystem management. We are looking at watershed to watershed. We are looking at water quality, and we are also working with five states plus the federal agencies and some private individuals in trying to develop a coordinated, collaborative approach in addressing the salmon restoration.

Our principals in the region are first to halt the decline of the salmon, and I wanted to show you this graph, and this graph is important to us simply because it shows this is what has been happening under the federal and state leadership. When the tribes start taking leadership, we started seeing a trend of increases. We went down here and went back up here. Twenty ten is up here, 2011 is even going to be higher for our fall Chinook, and this also shows the trends that we have done with natural stocks, with ESA stocks, and so we are working on those and we have also been working—and I want to give this to you and I also want to let you know that, you know, I know Congressman Norm Dicks and I have got into it over tribal science, but I wanted to assure him—

Mr. DICKS. We will always work together.

Ms. BRIGHAM. Yes, we will. I wanted to assure you, and I am sorry Mr. Simpson is gone but we have been working with the University of Idaho in trying to develop a really rigorous science approach on how to address genetics and rebuilding of our naturally spawning fish so we are working hard, and I think we have a good approach because one of our goals is to protect our first foods, which is in the Pacific Northwest, and each of us have our first foods.

I think with tribal leadership it shows that we are making positive steps to rebuilding stocks, and I can remember when we did

not have any salmon to harvest and now our fishermen are glad that they are fishing.

Specifically, at a minimum, I would like to recommend that we restore the entire rights protection implementation account to its 2010 level of \$30,471,000. This is to meet our current needs, and we also request \$7,712,000 for the Columbia River Fisheries Management, \$3 million over the President's budget request. We also request a restored level of \$4,800,000 to the U.S. Pacific salmon treaty, which is \$694,000 above the President's request, and this is to implement the U.S.-Canada treaty that we have signed. We have what we call a triple crown in the Pacific Northwest, which is the U.S.-Canada treaty, which is a 10-year agreement that we signed in 2008. We have the accords that three of the CRITFC tribes have signed which is a 10-year agreement that was signed in 2008, and then we also have the U.S. v. Oregon management plan, which is a court-ordered plan that is a 10-year agreement that we also signed in 2008, and we will be celebrating the accords on May 26th, I think it is, so this month, and looking at the progress that we have made in signing the accords to help us, you know, rebuild some of the natural stocks because one of the things that we have seen is that, you know, ESA is out there but at the same time, there are other stocks out there as well, and for this reason, I would also—and I know, again, Congressman Norm and I do not necessarily agree but I think the mass marking issue needs to be revisited because those stocks that are on the chart that show higher, some of those stocks, and I can give examples where the Imnaha tributary, we are killing 600 stock fish that are coming back to the tributary, and the only way they can tell them apart is because they are mass marked. So we think we should be looking at that to determine, you know, how we can help rebuild our naturally spawning fish.

That is all. Thank you.

[The statement of N. Kathryn Brigham follows:]



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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TESTIMONY OF

**The Honorable N. Kathryn Brigham, Secretary
Columbia River Inter-Tribal Fish Commission**

To the

**Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives**

Regarding the Bureau of Indian Affairs Fiscal Year 2012 Budget

May 4, 2011

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2012 budget and has specifically identified two funding needs:

1) \$7,712,000, an increase of \$3,139,000 above the President's Request, for Columbia River Fisheries Management under Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation to meet the base program funding needs of the Commission and the fisheries programs of its member tribes, specifically, to implement federal court-ordered management obligations, including efforts for species listed under the Endangered Species Act, and;

2) \$4,800,000, an increase of \$694,000 above the President's Request, for U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to achieve base program funding adequacy and to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty.

The Columbia River Inter-Tribal Fish Commission (CRITFC) was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. The collective ancestral homeland of the four tribes covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes¹ whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral

¹ Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes are leaders in fisheries restoration and management working with state, federal and private entities. CRITFC's member tribes are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, the tribes' actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management Program Needs under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase in complexity, requiring greater data collection and more sophisticated analyses. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. Since FY2003, our purchasing power has decreased under the weight of inflation and rising operation costs. We are seeking an increase of \$3,232,000 over FY2011 for a new program base of \$7,712,000 for Columbia River Fisheries Management explained below:

Enhance Tribal Base Programs and Meet Unfunded Program Needs:

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) the Columbia Basin Fish Accords² with federal action agencies overseeing the federal hydro system in the Columbia Basin, 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty.³ These agreements

² The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

³ See "Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_w09.pdf

establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The Tribes are taking the lead in developing needed lamprey management plans. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the construction of the John Day and The Dalles dams.

Public safety continues to be a high priority for CRITFC and the four tribes. Tribal law enforcement infrastructure is a necessary component of fisheries management. Tribal infrastructure needs include additional conservation officers, tribal code improvements, courts and prosecutorial capacity increases, and modern detention facilities. CRITFC conservation officers are also the cornerstone of the search and rescue, and subsequently recovery efforts. In the popular and heavily used Columbia Gorge they provide the most continuous on-river presence for both the tribal and non-tribal community who depend on the river for commercial, cultural and recreational opportunities.

The Columbia River in-lieu and treaty fishing access sites were authorized by Congress to fulfill the promises beginning in 1939 when the U.S. Government built the first of four federal dams that flooded traditional fishing sites and villages on the lower Columbia River. After nearly 70 years, 29 sites are in place with two more sites slated for completion in 2011 thereby fulfilling the government's pledge. Eighteen of the sites are along the Washington shores of the Columbia River between Bonneville and McNary Dams. Tribal fishers from the four tribes use the sites to support their harvest for ceremonial, subsistence and commercial purposes. The sites vary with improvements including boat launches, fish drying sheds, fish cleaning stations, and camping facilities.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaptation strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost purchasing power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation:

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4,800,000 for BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource

The \$4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY 2012 recommended level for this program is an increase of \$680,000 over the FY 2011 enacted level. The recommendation follows the U.S. Section's recommendation, includes pay cost adjustments and brings the program back in line with previous levels of participation.

The tribal management programs provide needed beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of the Interior's BIA budget.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, (hude@critfc.org)

Mr. COLE. Thank you very much.
Larry, we will go to you next.

WEDNESDAY, MAY 4, 2011.

INTERTRIBAL TIMBER COUNCIL

WITNESS

C. LARRY BLYTHE, BOARD MEMBER

Mr. BLYTHE. Good morning, Mr. Chairman, members of the committee. I am Larry Blythe. I am the Vice Chief for the Eastern Band of Cherokees in North Carolina. I am here today as a board member for the Intertribal Timber Council, or ITC, to testify on its behalf. Intertribal Timber Council is a consortium of about 70 timber-owning tribes across America, and we of course advocate for forest management practices. We advocate for funding for tribes wherever they are located. We control about 10 million acres of property.

Mr. Chairman, the ITC wants to thank you for protecting Indian programs. These are difficult times including for those of us in the forestry business, and your support is really appreciated.

As timber tribes, keeping our forest healthy and productive is essential. We rely on our forests for physical and spiritual sustenance and for governmental revenues and community jobs. To help sustain our forests and our local economies, the ITC is developing a concept we call anchor forests. An anchor forest is a large tract of forestland that is dedicated to being maintained as healthy and productive. This must include related infrastructure such as sawmills, and the community and its workforce, which provide the capacity and resources necessary to actively manage and preserve the forest. As sawmills go away, the forest markets and communities wither, and the forest itself can subside into a poorly managed or unmanaged state vulnerable to fire and infestation and disease. As timber tribes wedding to our forest homelands, we cannot allow this to occur. Our reservation forest operations and communities should be viewed as anchor forests. They need to be sustained.

To that end, we ask the subcommittee to direct the BIA and Forest Service to conduct a comprehensive evaluation of anchor forests in Indian Country, to examine their role, what is needed to preserve tribal forests and their related economies and how those needs might be addressed. We would also ask that agencies be directed to work with the Intertribal Timber Council and timber tribes on such an evaluation.

Mr. Chairman, in conjunction with a study of anchor forests, the Intertribal Timber Council urges the subcommittee to consider a range of forestry-related program increases. We recognize this is a difficult environment but Indian forestry has historically been underfunded. Much of what we request is simply urging the tribal forestry-related programs be funded at something close to or at least closer to similar budgets in other federal agencies. For the BIA forestry program, we support the \$1 million increase for tribal priority allocation and urge that the increase be a total of \$5 million. For years, independent reports have documented Indian per-acre for-

estry funding at about half of that for the Forest Service, and more recently, BIA TPA forestry funding has lagged further and further behind other federal forest management agencies.

It is even worse for BIA forestry projects, which has been an outright decline for seven years. To correct this disparity, the ITC requests an increase of \$8 million, \$5 million of which is to reduce the 800,000-acre backlog in commercial forests in need of replanting and thinning.

For BIA endangered species, ITC requests a total of \$5 million based on the same per-acre funding as the Bureau of Land Management.

The same goes for cooperative landscape management where BIA's total funding for 52 million acres of Indian trust land is a mere \$200,000. To be treated as an equal among the Interior Department's other agencies, the BIA should receive at least \$17.5 million.

Mr. Chairman, we support BIA's new and needed conservation law enforcement officer program. It will help protect tribal trust natural resources and ease the burden on regular tribal law enforcement personnel.

Finally, for the Department of Interior wild land fire management, the ITC asks that Interior and Forest Service wild land fire funding and accounting be standardized. We also ask that \$44.6 million be restored to Interior hazards fuel reduction. Limiting fuels funding to the wild land-urban interface endangers the lives of our people who live all throughout the lands and abandons the trust responsibility to protect our forest assets.

Lastly, we ask that \$6.8 million be restored to Interior burned area rehabilitation. Again, the United States must abide by its fiduciary obligation to care for our forest resources including stabilizing and restoring burned-over acres.

Mr. Chairman, that concludes my remarks. Thank you.

[The statement of C. Larry Blythe follows:]

**TESTIMONY OF LARRY BLYTHE, BOARD MEMBER,
INTERTRIBAL TIMBER COUNCIL, SUBMITTED TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES ON
FY 2012 APPROPRIATIONS FOR THE B.I.A. AND DoI WILDLAND FIRE
MANAGEMENT,
MAY 4, 2011**

Summary

Mr. Chairman, I am Larry Blythe, a long-time Board of Directors Member of the Intertribal Timber Council and Principal Vice Chief of the Eastern Band of Cherokee Indians. I am here today for ITC President Joe Durglo, Vice Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation in Montana, who is unable to attend. For the ITC, I offer the following recommendations for FY 2012 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and Department of Interior Office of Wildland Fire Management:

- 1) In BIA and USFS, direct a proposal to comprehensively evaluate and preserve tribal forestry and related processing infrastructure;
- 2) Add \$5 million in BIA TPA Forestry (BIA Natural Resources Management) to start moving toward parity with similar forestry budgets in other federal agencies;
- 3) Provide an increase of \$8 million for BIA Forestry Projects (BIA Natural Resources Management), including a \$5 million increase for Forest Development.
- 4) Provide \$5 million for BIA ESA (BIA Natural Resources Management);
- 5) Provide at least \$17.5 million for tribal trust land participation in Cooperative Landscape Conservation (BIA Natural Resources Management);
- 6) Support the Conservation Law Enforcement Officer Program (BIA Public Safety);
- 7) For DoI Wildland Fire Management: 1) Standardize DoI and USFS Wildland Fire funding and accounting, 2) Restore \$44.6 million for DoI hazard fuel reduction, and 3) Restore \$6.8 million for DoI Burned Area Rehabilitation.

Intertribal Timber Council background.

The Intertribal Timber Council (ITC) is a 35 year old association of 60 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management.

Mr. Chairman, the forests which cover about one third of the Indian trust land base serve as the economic and cultural backbone for many Indian reservations. There is no other single natural resource as varied and as important to tribal governments and their members. Forests store and filter the water and purify the air to sustain life itself. They sustain habitats for the fish and wildlife that provide sustenance for our people. They produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression. And forests are vital to our cultural and spiritual lives. Moreover, they provide revenue for many tribal governments – sometimes the principal source of revenue - and employment for Indian people.

Mr. Chairman, you and many of your colleagues on the Appropriations Committee understand the value and importance of maintaining forests on the landscape to the economies and communities in your states, both for the commodities they produce and the environmental services they can provide. For many tribal governments and their members, healthy, productive, sustainable forests are critical. Tribes cannot lose their forests or their ability to process and market their forest products. For timber tribes, unhealthy, unproductive forests are simply unacceptable. Our ability to survive as distinct peoples and cultures are inextricably intertwined with healthy, productive forests.

The Intertribal Timber Council has been developing a concept we call “anchor forests.” An anchor forest is large tract of land that is maintained and managed to generate a perpetual stream of commodities and services to sustain the health and permanence of the forest and economies of local communities. Investments in managing, harvesting, transportation, and processing infrastructure are essential if we are to retain forests on the landscape. We believe that tribal forests and manufacturing enterprises could be, and ought to be, viewed as anchor forests that will help sustain both tribal communities and our neighbors into the future. Tribal sawmills are often a key element of tribal forestry, providing revenue, employment, and a means to maintain forest health for both tribes and their neighbors. The development of economically-viable sources of forest-based renewable energy will also depend on biomass supplies from forest products manufacturing facilities. As nontribal sawmills close, the viability of tribal sawmills becomes increasingly important to tribes, landowners of surrounding forests, and affected communities.

Tribal anchor forests – healthy and perpetually productive forests with their local communities and forestry infrastructure - require a level of commitment from communities and governments. Policies need to be stable and farsighted, and financial backstops must be in place to ensure that our forests are protected from loss from wildfire, insects, pests, and diseases and continue to provide the economic and environmental benefits to tribal and non-tribal communities alike. In support of the tribal anchor forest concept, we make the specific suggestions below regarding the FY 2012 BIA Forestry and related budgets (including US Forest Service), and the Interior Department’s Wildland Fire budget.

1) In BIA and USFS, direct a proposal to comprehensively evaluate and preserve tribal forestry and related processing infrastructure.

To help preserve tribal forests and forestry operations and keep their mills efficient, up to date, and operating, we request that the Subcommittee direct the BIA and USFS to work with timber tribes and the ITC to develop a comprehensive proposal to preserve tribal forestry, mills and associated harvesting, transportation, personnel infrastructure, and marketing and branding. In addition to the BIA programs below, the proposal should explore such options as low or no-cost loans, training and modernization grants, operating subsidies, and tribal wood product purchase preference. The proposal should be reported back to the Subcommittee, tribes, and agencies within six months following signing of an Interior appropriations bill.

2) Add \$5 million to BIA TPA Forestry (BIA Natural Resources Management) to start moving it toward parity with similar forestry budgets in other federal agencies.

Mr. Chairman, the ITC supports the \$1 million increase requested for BIA TPA Forestry, but must note the program's overall insufficiency and urge that \$5 million be added to start moving BIA TPA Forestry toward funding that is adequate and equal to that for other federal timber management agencies. Two independent reports (IFMAT reports 1993, 2003) have documented that total BIA Forestry per-acre management funding is less than half that of the National Forest System. More recent and specific reviews have shown that BIA TPA Forestry, which is primarily for on-going forest and harvest management, has fallen further and further behind both inflation and program adjustments for other federal forest management agencies. So, in addition to retaining the Administration's requested \$1 million increase to BIA TPA Forestry, we ask that an additional \$5 million be added to begin moving the on-going trust forest management program toward equity.

3) Provide an increase of \$8 million for BIA Forestry Projects (BIA Natural Resources Management), including a \$5 million increase for Forest Development.

The Administration's FY 2012 BIA Forestry Projects request of \$17.3 million extends the pattern of outright budget decline for BIA Forestry Projects since FY 2005, when \$18.5 million was appropriated. The Forestry Projects budget funds essential forest activities, including management inventories and planning, woodland management, Integrated Resource Management Plans, and Forest Development. The ITC requests that FY 2012 funding for BIA Forestry Projects be increased by \$8 million, with \$5 million of that added to Forest Development. Currently, about one-sixth of the Indian trust commercial forest needs replanting or thinning. In FY 2005, the BIA Forest Development budget treated 58,000 acres. By FY 2009, that annual goal was cut back by more than 10% to 52,000 acres. A \$5 million increase for FY 2012 will enable an additional 30,000 acres to be treated, increase Indian timber harvest and value, improve forest health, contribute to carbon sequestration, create much needed employment, and produce woody biomass to advance the Nation's renewable energy initiatives.

4) Provide \$5 million for BIA ESA (BIA Natural Resources Management).

In FY 1995, \$1.83 million was provided for Northern Spotted Owl (NSO) and marbled murrelet management activities on tribal lands, and by FY 2002, the BIA ESA program was national and funded at \$3 million. For FY 2012, BIA's ESA national program is requested at only \$1.247 million. The ITC asks that BIA ESA be increased to \$5 million, based on the \$.09 per acre provided BLM for general ESA activities. Within that \$5 million, the ITC asks that \$2.4 million be designated for NSO and marbled murrelet, reflecting inflation on FY 1995's \$1.83 million. We further note the US Fish & Wildlife Service is now preparing a new NSO Revised Recovery Plan that could include all high quality habitat on tribal trust land. We object to using tribal trust lands to correct management failures on federal public lands, but are not certain the USFWS will take a similar view, and so face the prospect of even more NSO management.

5) Provide at least \$17.5 million for tribal trust land participation in Cooperative Landscape Conservation (BIA Natural Resources Management).

With DoI requesting \$175 million in FY 2012 for Cooperative Landscape Conservation (CLC) on the Department's 500 million acres, asking just \$200,000 for BIA's 52 million acres is grossly inequitable and entirely insufficient. Tribal government participation in CLC is both needed and being requested by others, including federal agencies, but no funds are provided. At 52 million acres, trust land is 10% of DoI's total land base. At least 10%, or \$17.5 million, should be provided for BIA and tribal participation in the CLC program. The federal trust responsibility for these lands should require at least equitable participation.

6) Support the Conservation Law Enforcement Officer Program (BIA Public Safety).

Mr. Chairman, trust forestland covers one third of all Indian trust land and is among the least patrolled land in the Lower 48 States. As a result, it is attractive for illegal activity, including not only marijuana grows, but also the illegal removal of a wide variety of often valuable forest products, such as timber, botanicals, limbs and boughs, small trees, berries, and fish and wildlife. Protection is needed to safeguard these products for the benefit of tribal members and the products' sustainable management. We welcome and support the \$1 million initiating this program.

7) For DoI Wildland Fire Management: 1) Standardize DoI and USFS Wildland Fire funding and accounting, 2) Restore \$44.6 million for DoI hazard fuel reduction, and 3) Restore \$6.8 million for DoI Burned Area Rehabilitation.

1) The ITC recommends that fire preparedness funding for the DoI FY 2012 budget be expanded to reflect comparative per acre investments to the USDA Forest Service, a comparable federal trust land manager. The ITC recommends that all federal fire cost accounting and business practices be standardized to more transparently reflect the true federal investment in fire management and suppression across all agencies.

2) The ITC also recommends the full restoration of \$44.6 million to DoI hazard fuel reduction (HFR) funds. These funds are essential to consistent long range management of trust resources and, as agreed to in the National Wildland Fire Cohesive Strategy, should not be limited to the Wildland Urban Interface. The U.S. has a fiduciary obligation to protect all our forest resources, not just those in the WUI. Indian people are intimately connected to the entire landscape and the values and resources it provides to sustain their livelihood. Restoration of HFR funds is also in keeping with the Cohesive Strategy calling for projects to be planned for landscape level treatments that cross federal, state, tribal and private jurisdictions. Consistent and sufficient HFR funding is critical to this cross boundary collaboration.

3) Finally, the ITC recommends restoration of \$6.8 million to the DoI Burned Area Rehabilitation fund. These funds are essential to restore and maintain healthy ecosystems that are fundamental to tribal welfare and are covered by the trust responsibility.

Mr. Chairman, Members of the Subcommittee, that concludes my testimony. Thank you.

Mr. COLE. Thank you very much.

WEDNESDAY, MAY 4, 2011.

SILETZ TRIBE

WITNESS

DELORES PIGSLEY, CHAIRMAN, TRIBAL COUNCIL

Ms. PIGSLEY. Good morning. My name is Delores Pigsley, and I welcome the opportunity to be here today and to provide testimony. I am the Chairman of the Confederated Tribes, the Siletz Indians, and I have served over 32 years on the tribal council and 26 of those years as the tribal chairman. We are a small tribe on the Oregon coast. I have testified previously before this committee and many committees in the past and know that you listen and act accordingly.

The tribe understands the whole Nation is going through a tough economic time, and so are we. However, even in good times, we are sorely underfunded in critical areas. We are a self-governance tribe and have the ability to move funds around when it is necessary to cover priority services. We use grants from government, tribal resources and private organizations to help us cover necessary programs. It is the only way we can maintain our services. The Bureau of Indian Affairs has never been adequately funded to cover the costs of programs nor allow enough money under contract support costs.

For tribal court, our tribal court budget is \$235,000. Of this amount, only \$21,000 comes from BIA funds. Other funds must be used to fully fund the court including Department of Interior, Department of Justice and tribal resources. The fiscal year 2012 request is for a \$1.2 million reduction from the \$24.7 million that was appropriated last year.

Education is a very high priority. Every year we see large growth in the number of students applying for funds for adult education, adult vocational training and higher education. We recognize the problem is a good one for us. We have more students in college and adult programs than ever before in our history. However, our funding for higher education is at the same level it was at in 1995. For the years 2004 to 2010, that six years, the tribe received \$665,000 for AVT, and the actual cost was \$1.1 million. That is a \$454,000 shortfall. And for higher education for the same period, the tribe received BIA funds of \$827,000. Our actual cost was \$5.1 million, and that is a shortfall of \$4.3 million. Education is our highest priority. For 2012, the BIA is requesting \$32 million, a \$1.8 million reduction, and this is unacceptable to us and it is insulting to see such a reduction where within this area we have the greatest need.

Charter schools were mentioned. We have a charter school in Siletz, and it was necessary because the state was closing the school. We had a 75 percent dropout rate, and it was necessary for the tribe to get involved and keep the school in Siletz, and today we fund that school along with state funds. Our commitment is about a quarter of a million dollars a year.

Funding for boarding schools such as Chimowa Indian School is totally inadequate. Boarding schools are criticized for the level of education that students receive, and if additional funds were provided for these students, they could reach the same potential that we recognize in our students who attend public and private schools, and I urge that someone take the time to review this situation, perhaps visit Chimowa Indian boarding school in Salem, Oregon.

Contract support costs have been mentioned many times. Without adequate contract support fund costs, the promise of the 1975 Indian Self-Determination and Education Assistance Act to allow tribes to contract and compact to administer programs formerly administered by federal agencies such as Bureau of Indian Affairs goes unfulfilled. Tribes have increased the quality and level of service to our tribal members under self-governance yet tribes are left to fill the shortfall by having to reduce services. A good example is our Indian child welfare program where positions cannot be filled because of inadequate funds. Workers currently carry workloads two and three times higher than that in state programs. Failure to adequately fund contract support costs defeats the program's very purpose to improve services and the lives of our members. Tribes go to extraordinary lengths to pool together resources to meet priority needs for our members, often at the expense of foregoing or reducing other services.

I hope that you are convinced by our written testimony that increases to these and other programs are essential for tribes to create safe, healthy and functioning communities, and I thank you for allowing me to share these recommendations.

[The statement of Delores Pigsley follows:]

**TESTIMONY OF DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON**

**BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES FY 2012 BUDGET**

**Public Witness Hearing on Native American Issues
May 4, 2011**

Over 32 years as a Siletz Tribal Council Member, 26 of those as Tribal Chairman, I have attended uncountable meetings of federal and tribal representatives to advocate for adequate funding for Tribes. I have submitted numerous written testimonies to various federal agencies whose budgets affect Tribal funding. I have also presented testimony at Congressional Sub-committee budget hearings. I do this always with the belief that in hearing the facts “on the ground”, appropriators will be persuaded to provide Tribes with the means to implement self-governance as envisioned in federal law, policy, treaties and the Constitution. Tribes understand that the whole nation is going through tough economic times. However, even in good times, Tribes commonly exhibit the lowest socio-economic conditions.

Funding cuts next year will likely impact Tribes more than many other groups. Some areas of BIA funding are more critical than others and these are addressed below. It is important to know that the Siletz Tribe is a Self-Governance Tribe. What this means is that the Tribe has negotiated with the BIA for our share of various BIA programs funding which we receive annually in one lump sum. From there the Council and administrative staff determine how to allocate these funds to areas of most need in our annual budgeting process. This means reducing or eliminating funds in one area to allocate to another with a higher priority. In addition the Tribe accesses grants and contracts from public and private sources to enhance our programs. We also contribute tribal revenue. This is the only way we can maintain necessary services. The BIA budget has never adequately funded tribal programs and contract support costs.

Tribal Courts. The Siletz Tribe is a Public Law 280 (PL280) tribe. This 1953 Act transferred federal jurisdiction over Indian Tribes to six states (including Oregon). The Act has been controversial since passage—Tribes objecting to its imposition and failure to recognize tribal sovereignty and self-determination and states object to an unfunded mandate. In her book “Planting Tail Feathers: Tribal Survival and Public Law 280”, Professor Carole Goldberg (recognized authority on PL280) makes the case that while PL280 intended to address lawlessness on reservations it instead contributed to it. Professor Goldberg contends that confusion and controversy over PL280 contributed to jurisdictional gaps where either no government exercises authority or they lack the resources to do so. She states this situation was exacerbated when the BIA adopted a policy of not funding tribal courts and tribal law enforcement for PL280 tribes. That policy is reflected in the Siletz Tribe’s experience.

The Siletz Tribal Court was established in 1984 as a Trial Court and exercises civil jurisdiction, with an average annual caseload of 500. The Court is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time deputy court administrator, four on-call judges—two Appellate Court, one District Court and one Gaming Court. The 2011 Court budget

is \$235,544, including \$21,344 or 9% coming from BIA funds. The Tribe reprograms compact dollars to fund the difference. In 2009 the BIA contracted with Coochise Consulting to review all Tribal Courts; Siletz was among them. The Consultants made several recommendations to improve the court, including expanding jurisdiction and improving security for Court employees. These recommendations require additional funding. At the time, the Tribal Court budget was \$207,000; \$10,000 or 5% was BIA funds. The Consultant reported that this federal contribution was the lowest amount among 50 courts that had been reviewed. It has long been acknowledged that Tribal Courts are underfunded. Yet, the BIA's FY 2012 request is for \$1.2 million cut from the \$24.7 million appropriated for 2010 and the 2011 continuing resolution. We recommend that Tribal Courts be funded at \$50 million so that Tribes can fully exercise their jurisdiction to protect tribal members and create safe communities.

BIA Law Enforcement. The high incident rates for crime and violence on Indian reservations—especially against women—have received a lot of attention the past few years. Congress responded in 2010 with passage of the Tribal Law and Order Act (TLOA) to strengthen tribal law enforcement authority and improve programs to address reservation conditions that impact crime and violence. For this new law to have meaning there must be adequate funding. The Siletz Tribe established a tribal police force in 1998 with one Police Chief using COPS grant and tribal funds. By 2005 the department included the Chief, two officers, four reservists, a part-time clerk and a security guard. Unfortunately, funding could not keep pace. The Tribe suspended law enforcement operations and in 2006 Tribe purchased limited law enforcement services from a nearby city police department, which continues to this day. The cost has risen each year and again we are looking at modifying (likely reducing) our law enforcement program. For 2010/11 the Tribe is paying \$399,970 for these services; BIA funding covers 22% or \$95,582 of this cost. We strongly urge increasing Law Enforcement from \$303 million to \$333 million so tribes fulfill the promise of the TLOA.

Indian Child Welfare. The Tribe receives \$55,000 for ICW through the BIA Self Governance compact. The 2011 budget for ICW is \$183,262. To cover this program the Tribe shifts dollars from other programs to this priority area. The Tribe has entered into agreements with the state of Oregon to access other federal resources, including Title IV-E foster care payment reimbursements to further supplement services. Our Tribe is currently developing a Title IV-E Plan to directly administer this program. One major barrier to this effort is the match requirements and the limits on reimbursements. Unlike states, tribes have little to no significant tax base to generate revenues to cover federal match requirements. The Siletz Tribe wants to access Title IV-E funding the same as states. As you can see it will cost us money to do so. We are already severely underfunded as it is. And, again, the BIA is requesting a reduction from \$11.1 million to \$10.8 million for another critical program. We recommend \$70 million for BIA Indian Child Welfare funding with \$2 million of this set aside for Tribes implementing direct Title IV-E programs. This funding will enable Tribes to ensure safe placements where children remain connected to their families and their heritage.

Johnson O'Malley Act (JOM). In 1995 funds for Johnson O'Malley were frozen, limiting funds to a tribe based upon population count in that year. The Siletz Tribe receives \$89,900 for this program, which does not cover services for children or staff time. In 2010, the Tribe provided 1,986 services to JOM eligible children for tutoring, school supplies, and athletic

and scholastic fees. The number of children that receive services from 1995 to now has increased each year. The Tribe serves tribal children in the three largest cities in Oregon—Portland, Salem and Eugene. The FY 2011 BIA request for JOM is \$13.2 million—\$264,000. This request should be increased \$10.8 million to fully restore funding to \$24.3 million.

Adult Education, Adult Vocational Training and Higher Education. Through the Bureau of Indian Affairs Self-Governance funds, the Confederated Tribes of Siletz Indians of Oregon provides Adult Education, Adult Vocational Training (AVT), and Higher Education. Every year we see an exponential growth in the number of students with no increase in funding level. In FY 2002, the BIA allocated \$30 million for scholarships and adult education. It is \$34 million in FY 2010 and 2011. Based on our own experience, these budgets should be trebled, with an increase to \$100 million.

In 2010, the Tribe had 159 requests for Adult Education. With a budget of only \$4000 requests are limited to \$400, so only a small fraction of requests are funded. In 1995 the Tribe had 12 AVT and 35 Higher Education students; in 2010 there were 47 AVT and 192 Higher Education students. From 2004 through 2010 the Tribe received \$665,770 for AVT in our BIA Self-Governance Compact. Actual cost to fund AVT students for these six years was \$1,120,598—a \$454,828 shortfall. The Tribe made up this difference using tribal revenues and shifting funds from other tribal programs. For that same six-year period for Higher Education our Compact amount was \$827,880; actual costs were \$5,167,556 and the Tribe covered the \$3,581,228 difference. These are difficult funding decision, but the Tribe makes them because we view education as one of the best investments we can make for the future of our members.

Future funding must increase. In 2010 the tribe spent \$264,785 for AVT students; the 2011 Compact provides \$140,000. 2010 Higher Education costs were \$878,801; the compact provides \$117,062 for 2011. Clearly the Tribe will be covering yet another sizeable shortfall. To stretch funds the Tribe caps scholarship funding to the equivalent costs of attending a public university. However this limits scholastic opportunities for tribal members accepted at prestigious out-of-state or private college and deprives them from achieving potential. The BIA is requesting \$32,782,000 for FY2012—a reduction \$1.8 million. The Siletz experience clearly shows that over a seven year period BIA funds covered on average only 16% of our higher education need and 60% of our AVT need. It is insulting to see a recommended reduction. We recommend that Scholarships and Adult Education (TPA) be funded at \$65 million to ensure that no tribal child is left behind.

Endangered Species. Tribal lands currently support habitat for three species listed by the federal government as threatened under the Endangered Species Act: marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Before any ground disturbing activities can occur on Tribal trust land, surveys for each of these species must be conducted and evaluated. We must then consult with one of two federal wildlife agencies (U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho), both of which require an extensive amount of information prior to consultation and ongoing monitoring during and after implementation of the activity. No money is provided to the Tribe by either of the federal wildlife agencies or the BIA to carry out the surveys, information gathering and monitoring. Yet we are not allowed to harvest timber, build houses, or conduct

any other major ground disturbing activities on Tribal trust lands without performing those functions. It is an unfunded mandate that directly impacts the Tribe's ability to govern its own affairs. The total annual cost to employ a Tribal biologist to carry out the needed endangered species functions and to conduct the required surveys is \$115,000. Interior's 2012 Budget In Brief for Indian Affairs reports that there was \$1.249 million budgeted for Endangered Species in 2010 and \$1.249 million was enacted for 2011. However, the BIA is recommending \$1.247 million for 2012—a \$2 million reduction. In FY 2002 the Endangered Species was funded at \$3 million. We recommend restoring that funding, allowing for inflation, to \$3.5 million to assist Tribes with complying with the Endangered Species Act.

Pre-commercial Thinning. The Tribe currently receives approximately \$23,000 a year in Forest Development funds from the BIA. This money must be used for timber stand improvement activities such as reforestation and pre-commercial thinning. If contracted out, this will cover approximately 80 acres of treatment annually. Unfortunately, our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Many other tribes face a similar situation, with extensive backlogs of unfunded projects. Without implementation of these projects, future timber revenues are in jeopardy due to forest health issues of overcrowding, insect attack vulnerability and fire hazard. This has a very direct impact on Tribal self sufficiency. Despite attempts to include funding for these types of projects in the economic stimulus packages, no additional money has been allocated to the BIA or to Tribes to address the backlog of timber stand improvement needs. For the Siletz Tribe, \$250,000 would be needed to erase the current pre-commercial thinning backlog.

Contract Support Costs. An increase in contract support costs (CSC) is necessary as tribal governments continue to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Tribes are legitimate government contractors, whose indirect rates are objectively calculated by the Inspector General. Payment of these costs to tribes is required by federal law (ISDEAA) and has been upheld by the U. S. Supreme Court (*Cherokee Nation v. Leavitt*). Each year insufficient funds for contract support costs leaves Tribes to address these imposed shortfalls, resulting in reduced services to tribal members. For Siletz, we have seen tribal child welfare positions go unfilled, while remaining staff carry caseloads two and three times higher than their state counter-parts. In some cases the Tribe has to seek additional grants to fund salaries and services—our Natural Resources clerk has three funding sources.

Without adequate contract support costs funding, the promise of the 1975 Indian Self Determination and Education Assistance Act (ISDEAA) to allow tribes to contract and compact to administer programs formerly administered by federal agencies such as the BIA goes unfulfilled. Under contracting and compacting, tribes have increased the quality and level of services to tribal members under these policies. Failure to adequately fund CSC defeats the very programs that appear to be helping improve conditions for American Indians and Alaska Natives. I urge you to fully fund contract support costs for BIA at \$212 million.

Tribes go to extraordinary lengths to pull together resources to meet the priority needs of our tribal members, often at the expense of forgoing or reducing other services. I hope that our story convinces you that the increases outlined above are essential for Tribes to create safe, healthy, functioning communities. Thank you for allowing me to share these recommendations.

Mr. COLE. Thank you very much for your testimony.
Chairwoman Kennedy.

WEDNESDAY, MAY 4, 2011.

CONFEDERATED TRIBES OF GRAND RONDE

WITNESS

CHERYLE A. KENNEDY, CHAIRWOMAN

Ms. KENNEDY. Good morning to you, Chairman Simpson, Congressman Cole, Congressman Moran, Congresswoman McCollum and Congressman Dicks. My name is Cheryle Kennedy. I am the Chairwoman of the Confederated Tribes of Grand Ronde in Oregon.

Mr. Simpson, it has been a pleasure to have worked with a number of your tribes from the great State of Idaho. I served as executive director of the Northwest Portland Area Indian Health Board, representing 43 tribes in Oregon, Washington and Idaho. I am also honored to serve on the Secretary Sebelius's Secretary Tribal Advisory Committee, called the STAC. This is the first tribal advisory committee established to advise the Secretary in the history of the Department of the Health and Human Services.

I want to thank the subcommittee for meeting with Native American tribes who have the unique relationship with the United States. I want to thank you for your leadership that you have taken in addressing concerns and problems of Native Americans across the United States. My testimony is also shaped as far as the 30-year health career that I had as a health administrator for a number of tribes. I also come from a tribe that was terminated for nearly 30 years, seeing those effects and suffering those injustices. Many of them still remain today and we lag far behind other tribes of the United States.

I want to specifically talk about some of the things that have already been addressed so I will take a departure from the written comments, but those things are on Contract Health Service. As you have heard many tribes mention here today, being in an area where we have no hospitals, it is a great extra burden on us. We are dependent Contract Health Service dollars for all of our hospital care that we receive. The Indian Health Service does have a formula whereby CHS funds are distributed. We believe it is an unfair formula. There is not enough weight given to the areas that do not have hospitals and we would like to see that there be another look in another committee that is formed to address these important issues.

Contract support costs are also very important for tribes. They are what supports strong governments, and if you do not have dollars to support your strong governments, you have one of two decisions that you make. One is that you take those funds to support your government out of the program costs, so when we talk about Indian Health Service and Bureau of Indian Affairs, which are so greatly underfunded anyhow for programs, our choice and the only choice we have is to take from those costs and to support the governmental needs that we do have, not a very good choice at all but

a choice that is forced upon us because of the insufficient funds that are there.

I want to also mention that Dr. Roubideaux, who is the Indian Health Service Director, conducted listening sessions with tribes and she talked about many of the disparities that are existing in health care. One of the programs that she set up was the Contract Health Service's formula, and we discussed last year in this listening session the problems that are associated, particularly for dependent area tribes, and we want to come straightforward with some recommendations that were developed under that work group. One is that the alternate resources, Medicare, Medicaid, private insurance and changes under health reform when making CHS distribution. Two is for the contract support services dependency. Three, the use of actual medical inflation when allocating CHS funds. Four is the unique circumstances of CHS dependent areas that must be addressed by IHS and Congress. Otherwise these systems will continue to be plagued with chronic underfunding and may not be able to capitalize on health care coverage expansions that will come with health reform. And five, to address the lack of access to the Catastrophic Health Emergency Fund, or CHEF. Congress should consider establishing an intermediate risk pool for CHS dependent areas.

In sum, the work group formula does not meet the test of fairness in the way it was developed or the results it produced. Grand Ronde along with the Northwest Portland Area Indian Health Board is ready to work on developing this new area. In addition, again, to the CHS formulas, I strongly support the IHS budget formulation work group request for a \$118 million increase to be provided for Contract Health Services. Considering the estimated CHS program needs exceed \$1 billion—

Mr. COLE. If we could, we are about out of time, so if we could—

Ms. KENNEDY. I will. Thank you so much.

The other thing, I will move on to a couple of other areas. I want to especially say that there is great underfunding in the infrastructure for all tribes, that we want the Congress to work with us so that funds are directly distributed to tribes rather than going through the middleman, which is the states, often that is a very cumbersome policy, and that public safety services need to be provided to a much greater degree for tribes.

Again, thank you for this time to present this testimony and for your willingness to listen.

[The statement of Cheryle A. Kennedy follows:]

STATEMENT OF CHERYLE A. KENNEDY, TRIBAL COUNCIL CHAIRWOMAN,
CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee, my name is Cheryle Kennedy and I am the Chairwoman of the Confederated Tribes of the Grand Ronde Community of Oregon.

Mr. Simpson, I had the pleasure of working with all of Idaho's Tribes during my tenure as Executive Director of the Northwest Portland Area Indian Health Board which represents health care issues of the 43 federally recognized Tribes in Washington, Oregon, and Idaho. I also have the honor of serving on Secretary Sebelius' Secretary's Tribal Advisory Committee (STAC), the first tribal advisory committee established to advise the Secretary in the history of the Department of Health and Human Services.

First, I want to thank the Subcommittee for its leadership in addressing the many issues facing Indian Country.

My testimony today is shaped in part by a 30-year career as a health administrator working to improve the access and quality of healthcare to Native people and, more importantly, as someone who personally experienced the immediate injustices of federal termination of her tribe and has lived long enough to witness and chronicle its long-term consequences.

I would like to focus my testimony today on a topic of great importance to me, my tribe and other Contract Health Dependent Area Tribes. Specifically, changing the 2001 CHS Allocation Workgroup formula. This formula is used to allocate increases in Contract Health Service (CHS) funding to tribes. However, it does not fairly account for the unique situation of CHS Dependent tribes like Grand Ronde.

Health care to eligible beneficiaries is provided at the Grand Ronde Health and Wellness Center, a health care facility built, financed, and owned by the tribe on the Grand Ronde Reservation. Like most tribes, we have struggled to achieve and maintain a high level of health care service, given chronic under-funding, especially of CHS funds.

The CHS budget is the most important budget item for the Grand Ronde Health and Wellness Center. The Portland Area has no IHS hospitals or specialty care facilities. This is significant because these facilities can provide inpatient and specialty care services that outpatient clinics cannot. Unlike hospital-based areas, which can provide these services directly, Grand Ronde and other Portland Area tribes must purchase all specialty and inpatient care services with CHS resources. Moreover, hospital-based Areas can bill Medicare, Medicaid, and other third-party payors thereby preserving critical CHS funds. CHS Dependent Areas cannot generate third party reimbursements at the same level as hospital-based areas, thus their need for CHS funds is higher. Yet neither the annual distribution of CHS funds nor the 2001 CHS Allocation Workgroup formula give sufficient weight to this fundamental difference.

The funding disparity impacts the ability of tribes such as Grand Ronde to offer services such as radiology, specialty diagnostics, laboratory, and pharmacy services which tend to be associated

with hospital-based facilities. Due to the lack of facilities to deliver services, Grand Ronde has no choice but to purchase specialty and inpatient care from the private sector using CHS funds. It is important to understand that the CHS program does not function as an insurance program with a guaranteed benefit package. When CHS funding is depleted, CHS payments are not authorized. As the former Executive Director of the Northwest Portland Area Indian Health Board, I am keenly aware of the impact the 2001 CHS Workgroup formula has had on the ability of tribes to provide quality health care to their members. The formula is simply not fair.

I appreciate Dr. Roubideaux's outreach to Indian Country to solicit recommendations on how best to improve the efficiency and effectiveness of the CHS program and acknowledge that changes to the CHS distribution formula may be warranted.

The Portland Area has been working for many years to address the inadequacies the distribution methodology used by IHS to allocate CHS resources has had on CHS Dependent Areas. Last year, the Northwest Portland Area Indian Health Board held a listening session with Dr. Roubideaux to discuss recommended programmatic and CHS distribution formula changes specific to CHS Dependent Area Tribes. It is the position of the Portland Tribes that the proposed formula developed by the 2001 CHS Workgroup has not been officially adopted by the IHS and that the Agency should continue to consult with Tribes over its continued use. It was also recommended that Dr. Roubideaux convene a new CHS Workgroup to revisit the 2001 formula and consider the following: (1) Alternate resources (Medicaid, Medicare, Private Insurance, and changes under health reform) when making CHS distributions, (2) CHS Dependency, (3) use of actual medical inflation when allocating CHS funding, (4) the unique circumstances of CHS Dependent Areas must be addressed by IHS and Congress in national and internal health reform, otherwise these systems will continue to be plagued with chronic underfunding and may not be able to capitalize on health care coverage expansions that will come with health reform, and (5) to address the lack of access to the Catastrophic Health Emergency Fund (CHEF), Congress should consider establishing an intermediate risk pool for CHS Dependent Areas.

In sum, the 2001 Workgroup formula does not meet the test of fairness in the way it was developed or the results it produces. Grand Ronde along with The Northwest Portland Area Indian Health Board is ready, willing, and able to work on a new formula that will meet the needs of all Tribes.

In addition to the recommended changes in the 2001 CHS Allocation Formula, I strongly support the IHS Budget Formulation Workgroup requests for a \$118 million increase to be provided for Contract Health Services. Considering the estimated CHS program needs exceeds \$1 billion, the requested increase would greatly assist the many Indian people without access to key medical services. I support the Workgroup's request for an increase of \$145 million to fully fund Contract Support Costs (CSC) in FY2012. The tribal self-determination and self-governance initiatives have been widely recognized as the single greatest contributor to improved health care in American Indian and Alaska Native communities. Successful operation of Tribal health care systems depends on CSC funding being available to cover fixed costs.

When Grand Ronde took over the delivery of healthcare services, our goal was simple: to provide the best possible health care to our people. We wanted to provide a continuum of care to our patients that would include as many possible health services in one location as possible so that the care provided by physicians who are providers could be integrated and coordinated. The challenge Grand Ronde has faced in providing health services to its members is an illustration of the impact that CHS underfunding, IHS under-funding and the lack of fairness of the distribution formula has on tribal health programs and tribal sovereignty.

Before I conclude my testimony, I would like to add my voice to those advocating for increased funding to address the law enforcement, infrastructure, and education needs of Indian Country.

There are huge gaps between tribes' abilities to fund law enforcement and their law enforcement needs. Grand Ronde is responding to community demands for police services by taking steps to establish its own Police Department. Department start-up cost are high, but so is the cost of fear for tribal members living in rural areas poorly served by county sheriffs, even where tribal-county agreements for sheriff patrols in tribal communities are in place.

Funding needs are especially acute for restored tribes such as Grand Ronde. During the 1960s and 1970s, the federal government provided tribes more training, involvement, and influence in the process of managing federal funds through, for example, Tribal Priority Allocations for law enforcement, social services, adult vocational training, and natural resources management. As Grand Ronde was not restored until 1983, the Tribe was unable to participate in this federal investment in Indian Country. The Tribe is playing catch-up from the years its community was neglected following termination in 1954. Serious efforts must be made to provide restored tribes with direct funding to assist them in developing fundamental public safety resources and infrastructure in their communities. Federal funds intended for tribes are often sent first to the states, which may then distribute these funds to tribal governments. This is inefficient. Funds for tribal governments should go directly to them.

As a mother and grandmother, as well as the Tribal Chairwoman, I implore Congress to continue funding for education programs serving Native students, including funding for the Chemawa Indian School. Education is a fundamental component of the federal trust responsibility. The education we provide our children must keep pace with the rapid pace of technological change.

Your attentions to the outlined concerns and requests are greatly appreciated.

Mr. COLE. Thank you very much.

I am going to forego my time. With Mr. Simpson's and Mr. Moran's permission, Mr. Dicks obviously is our former chairman and the ranking member of the entire committee, I know his time is always limited so it is great to have you here, Mr. Chairman, and I wanted to recognize you first.

Mr. DICKS. Well, I just wanted to respond to the questions about the Columbia River and why we have moved towards mass marking in selective fisheries, and that is because we want to protect wild salmon, and one of the things I want to compliment the tribes on is their supplementation programs where you take wild fish and use them as brood stock so that the hatchery fish are as close to wild as possible.

In California, they did not mark their fish and now they do not have a fishery because they are shut down under the Endangered Species Act. I just completely disagree with your conclusion that somehow not marking these fish is a better way to go. It simply is not, and the scientists say all of the habitat work that we do is enhanced if you lower the stray rates and you have to be able to identify the hatchery fish and the wild fish in order to do that.

So I hope you can get some science. When you do, please bring it to my office and we will talk about it. Thank you, Mr. Chairman.

Ms. BRIGHAM. Can I respond?

Mr. COLE. Absolutely.

Ms. BRIGHAM. You know, Congressman Norm Dicks and I have disagreed on this for quite some time. We have partnered up with the University of Idaho and we are looking at the genetics of how we can identify, you know, natural stocks, and we are really glad, you know, because this is another graph that shows some of the work that the tribes have done since we started getting into rebuilding naturally spawning fish, and our numbers have gone up, but also, you know, if—

Mr. DICKS. How do you know?

Ms. BRIGHAM. Look at the graph. I mean, our graph shows we have got positive numbers.

Mr. DICKS. If the fish were marked, then you would definitely know they were wild fish. You cannot tell unless you do extensive DNA analysis whether they are wild or hatchery fish.

Ms. BRIGHAM. I have asked scientists, a number of them, can you tell me if it is a hatchery fish or a natural fish if it was not mass marked, and the answer is no. I mean, they cannot tell the difference.

Mr. DICKS. They can with DNA analysis. They can tell that.

Ms. BRIGHAM. With DNA, you can tell that those supplement fish are coming back.

Mr. DICKS. But we do not ask you to mark the supplemented fish because we want you to encourage supplementation of wild stocks.

Ms. BRIGHAM. We are just asking that this be reviewed, I mean, simply because we are taking—I mean, one of the Imnaha, we had 1,000 fish coming back to Imnaha. We had to take 600 of those fish out and destroy them, and they came from the supplementation that you are telling us was a success, and we had to destroy them because they were mass marked.

Mr. DICKS. That is not true. The Nisqually Indians got 11,000 fish back to the hatchery. They gave them to the local food banks for hungry people and hungry tribal members. You do not have to do away with the fish. The fish are perfectly good. You can use them for a socially important purpose, and I will be glad to help you on that if you need help.

Ms. BRIGHAM. Okay. I used the wrong word. By destroying, I mean you are not putting it back into the system, and that is exactly what happened is, they got put into different areas, you know, so people could use them, so they were not buried or anything like that, but they were put to human consumption use but they could have been put back into the tributaries to help rebuild those naturally spawning fish.

Mr. DICKS. Well, if you have a hatchery, you take a certain amount of the fish that you have caught and you take the eggs and the sperm and put it in the hatchery and then you use that for the next year's run of fish. I mean, this is not rocket science.

Ms. BRIGHAM. We are having a future salmon conference on June 1st and 2nd in Portland. We would like to invite all of you to come or send some staff people to come to this meeting in Portland, Oregon, and we are going to talk about some of these things that Congressman Dicks and I are talking about.

Mr. COLE. I would just say, speaking as a member of a Plains tribe, you might want to think about buffalo. It is a lot easier to keep track of them.

With that, let me move to Mr. Simpson.

Mr. SIMPSON. The only problem with buffalo is, you do not know if they were raised in a pasture that is fenced or in the wild.

Mr. DICKS. That is right.

Mr. COLE. It does not take long to figure out which they are.

Mr. SIMPSON. Well, you know, I always love these discussions. If I have a look at the DNA of a fish to know whether it is something, I question what the difference is, to some degree, but we do mark hatchery fish.

Mr. DICKS. We do, and it is the right thing to do.

Mr. SIMPSON. Yeah, they got blunt noses from hitting up against the cement.

Mr. DICKS. Mr. Chairman, it is the right thing to do.

Mr. SIMPSON. Never mind. Since I was not here for the testimony, I do not really have any questions except to say that obviously your testimony is important about what we are going to do as we put together the 2012 appropriations bill, and we look forward to working with you as we do that, and since the subject came up earlier, and it has absolutely nothing to do with this, but since the subject came up in an earlier panel, I just wanted to bring this down for Mr. Cole.

Mr. COLE. I will put this—just so you know, Mr. Simpson in the spirit of being such a good sport, as you know, we lost to them five years ago. He once brought me a pen with the school colors, and I thought that was very nice. He said just press it, and I did, and it immediately played the last 90 seconds of the game so I would not forget it ever. So this will be right with my pen, Mr. Chairman.

Mr. DICKS. Has he shown you his Statue of Liberty play?

Mr. COLE. I believe I have seen enough Statues of Liberty out of Boise State.

Mr. Moran, I am sorry I have lost control of this meeting but you are next.

Mr. MORAN. Well, thank you, Mr. Chairman. I was just thinking, you know, I live in an urban metropolitan area right here in Washington, DC. Boise State-Nevada, we know those are two darn good teams so we watch them for our entertainment. We do not care that much who wins as long as it is well-fought, but they have established themselves, particularly Boise State, over the years, and so we turn on, we put our attention to things when we know what they stand for. They stand for good football, sportsmanship, whatever. And likewise, we have no salmon in northern Virginia but we eat a whole lot of it. We consume an enormous amount of salmon because it is frankly the healthiest fish there is. But we buy from people and restaurants where we know what they stand for, and my concern is that if salmon are adulterated, if we cannot trust whether they are farm-raised or wild salmon—and obviously there is a premium. If you go into any one of these stores, Whole Foods, you know, Trader Joe's, wherever you go, you will find a discriminating buyer looking for the wild salmon because they know there is more protein there, it is healthier, et cetera, et cetera, and they pay an enormous premium. It is like two, three times what they paid for the farm raised. And my concern is if it is adulterated—if we cannot really tell the difference between one or the other then certainly the value of the wild goes down and there are bound to be articles questioning whether they are really wild salmon. You can be sure that the paper is going to jump all over it if we cannot prove it. And in fact the attraction of buying salmon generally goes down. That has an adverse affect on everyone.

So I have been thinking about this. I—at first when Mr. Dicks—we are going to tag, mark all the salmon. You are going to what? That is the most bizarre thing. But actually the more I look into it, it does not strike me as very bizarre because you have got to maintain the integrity of wild salmon because it has an enormous value. And it needs to be what you say it is. And so just a random comment from somebody and I may be the only one who does not have any salmon in my district, but you are not going to be raising as many salmon and you are certainly not going to be getting the revenue unless my constituents continue consuming it and being willing to pay very high prices for the best wild salmon. So with that, that is all I have to say, Mr. Chairman. Thanks for having the hearing.

Ms. BRIGHAM. Can I share?

Mr. MORAN. Certainly.

Ms. BRIGHAM. We have this exact—exact what you're talking about exactly happened to the Umatilla Tribe. In the Umatilla River, we lost our salmon for 75 years. In the Walla Walla Basin we lost our salmon for 100 years. This is a graph of the work that we have done and we are actually co-managing with the State of Washington or Oregon on how to rebuild naturally spawning fish in the Umatilla River. And we have been successful. We are actually retaining annually over 3,000 fish into the Umatilla River that we are harvesting at a 50/50 allocation. Last year was the first

time in 100 years that the Umatilla Tribe opened the season in the Walla Walla Basin and we are hoping, I mean, we are hoping this year numbers are going to show up so that we can have another season. And if we are taking the same approach we are taking we are seeing hatcheries or nurseries and helping us rebuild our naturally spawning fish so that they can be spawning naturally into the system and rebuild and continue to come back.

Mr. MORAN. That is all good.

Ms. BRIGHAM. Yes.

Mr. MORAN. That is all well and good, but when you showed us the last chart and it was wonderful that it was going up in a very positive incline, but it does not distinguish between farm raised and hatchery raised or wild salmon.

Ms. RICHARDSON. Okay.

Mr. MORAN. And thus distinguish between the value of each, nor did the first chart. I mean, the—even though it is a smaller share, I suspect that the wild salmon bring in almost as much revenue as the much greater share of farm raised. But for example, this is a small—the natural versus farm. The natural is as pretty much at a plateau, but farm I understand is going way up. But these natural salmon may be bringing in almost as much revenue as the farm. It is another supply and demand. Now, I do not want to get into an argumentative situation. I am just giving you the perspective somebody that you know provides the revenue for a lot of this, but you know has a very different perspective than those of you who have salmon in your wonderful river systems. So I will not be argumentative as they say and I have said it again I—you know these things I am just learning and a lot of you, you all know much more than I. I just thought I would share that perspective that is all.

Ms. BRIGHAM. Okay. Just for clarification on the Columbia River we do not have farm fish. It is hatchery fish. There is a real difference. There is.

Mr. COLE. I think I know why they call you Cat. This is kind of a cat fight here. Anyway, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. Thank St. Catherine's football team. My college alumni is undefeated. That is because we do not have one. So I will put my team up against—you know. The issues of economic livelihood—we heard about and I would like to kind of shift this just a little bit. We heard from some tribes in the Dakotas about buffalo and slaughter and access and small business support and doing things with the buffalo with the way that they are slaughtered and a way that speaks to tribal customs, usage, the spirituality, the connection of giving thanks for the buffalo. In Minnesota we have buffalo, we have wild rice, we have the issue between paddy rice and wild rice which is not even designated. I mean, we do not even have in the agriculture area our tribes' wild rice—anything can be called wild rice. So it is protecting the tribe making economic recovery and jobs off of that and then we have walleye. We have the issue of walleye and tribal rights protecting stock for that to come back in force. So if you could talk about that for just a few minutes the importance of schools, vocational training, and then having the ladder up with working with the business, the economic growth in your tribes.

Ms. PIGSLEY. Our tribe is a timber tribe and as we know in the Northwest, timber tribes are suffering greatly. If it—to be honest with you if it were not for us having a tribal casino and using those revenues, we would be in serious trouble with all of our programs, our education program and everything that we have. We cut 2.5 million board feet of timber a year and that does supply the tribe with some income, but it is not anywhere near what the revenue we get back from our casino operation. And that is how we fund—that is what we use to supplement the education program. And I mentioned in our testimony it is a good problem to have knowing that in 1995 I think we had 35 or 40 students in college and today we have 195 students in college. But we are paying the price for that by as a self-governance tribe we can move funds around, but there is not—we do not even—what we paid just in higher education from our own resources is more than the money that we get from the Bureau of Indian Affairs for all the programs. And so because education and because we were a determinate tribe and education is such a high priority we—I mentioned we began a charter school. It was a great school and it was because the school district was closing the school and they were going to bus kids from Siletz to you know 10 miles away. And when they did that with our high school students we saw a 75 percent dropout rate. When they got to high school they just did not go to school because of the bussing and because you could not play in sports and you could not do all the other extra-curricular activities. And so we decided we were going to keep the school in Siletz and fund it and we funded it out of timber—or out of gaming revenues to keep those kids in Siletz. And we have seen an extra-ordinary good result in students achieving, graduating, and in meeting the state requirements for whatever level of education and attend—school attendance. So termination was devastating for the tribe. Restoration was extremely—an extremely happy time for the tribe, but we have never been able—and I think Cheryle mentioned it. We have never been able to catch up with those needs that we see.

Mr. BLYTHE. Mr. Chairman, just back to some of my testimony. When we talk about gaming tribes and some of us are very fortunate with locations that we are in and metropolitan areas, major corridors, some tribes are not. And so we have to look at the resource that they have to be able to work with. And we have to keep Congress and those people that provide funding and the managers that do the work are cognizant that this is truly a trust responsibility. And whether you have a casino on your property or not, that is what makes you the unique people you are, that land base and protecting that land base, enhancing that land base. And at any opportunity for employment I am sure that we can all say that you know if we can put a mill back in business with good sustainable forestry practices then if it is 50 jobs that is real, that is real to a lot of communities and economies. So you know our—the testimony from the Inter-Tribal Timber Council is please look at what we need in those areas whether it is Navaho or Warm Springs or Yakama, or Menominee to enhance and to grow those businesses that are going to enhance and grow the spin off. That is when you know a lot of people at home we have a great casino. A lot of our people at home do not like that type of work. They want to be out-

doors doing with their hands as they have always done and getting that sense of satisfaction. So you know if we put people in the woods thinning and planting and growing the future then they have a legacy, their children have a legacy and it builds on and continues to build. So you know now it is a lot of philosophy I guess, but it is real. It is real to our people that live and work and maintain our lives every day. And you know whether it is fire suppression dollars or whether it is forest development dollars or whether it is mil enhancement dollars that is what we need. The casinos hopefully will be here forever. We do supplement a lot of our programs as some of the committee here is aware, but we still have those folks and we still have that need. We are a high tourist destination with needs of insect disease control, fire suppression as many of the other tribes across America are. So—

Ms. KENNEDY. I would like to provide a comment also. With the Confederated Tribes of Grand Ronde Tour stating we were terminating it, everything was taken away from us. We had no land base. Everything that we got we have to buy back. And so we do have some timber—not very much, but we do depend upon that. We have a casino that has been, you know I say it is divine justice, but it too had its great downturn during this economic time and we had to cut our budgets by over \$2 million for our government services. We provide all of our health care, education as many of the tribes of the northwest have, but we did hire an economic developer. We are probably one of the biggest employers. We employ about 1,500 people for our casino and our motto was to keep them at all costs, not to lay off and we did not lay off any during this economic down times. We—with our economic development we are looking at all kinds of businesses, but we do have some real estate property that provides some jobs. Also an economic boost we have looked at the medical industry to start working in that area. The Siletz Tribe and us have a partnership for developing a property there in Salem by the Chemawa School so we are looking at any kind of stimulus that can be added to us. We are good partners as well as very wise and astute in building businesses. So we see that the future is bright and we certainly look forward to any help that we can get along the way and education is of course as you hear from all tribes. You know I get amazed sometimes we want to build institutions to incarcerate our youth and I—and I, too shake my head at that thinking that these are children, they need to be taught. They need education. There are some that need perhaps that stronger hand, but I really—I am a believer in education.

Mr. COLE. I want to bring us to close because we are running way behind schedule and I am going to turn the meeting back over to my chairman. I have a meeting upstairs, but I want to note I am leaving with my Boise State helmet, my tail between my legs and—but I will be planning a rematch for the national title game this year because we are going to be very, very good, Mr. Chairman. But anyway.

Mr. SIMPSON. Thank you very much.

Mr. COLE. Thank you. Turn it over and call the next panel.

Mr. SIMPSON [presiding]. Thanks, Tom. The next panel, Joseph Pavel, Lawrence LaPointe, Billy Frank, Jr., and Ray Peters. Jim,

thanks for having such an interest in wild salmon versus hatchery salmon.

Mr. MORAN. I try to learn.

Mr. DICKS. You know, no I—well it is interesting that what you saw here was a little bit about the debate that has been going on for about 40 years that things would go on top of that. I mean, it is not to say how much of it is land use, water usury, storm water, having all of the—and then you add all of the—yeah and all for your hands—in blocking the—at Manchester, Washington we took the last of the sock-eye salmon from Red Fish Lake in Idaho and did a captive breeding program and restored that run and it is amazing. You know things—the farm fish are in pens and they feed them just—

Mr. SIMPSON. It is like the difference between the free range chicken and—

Mr. MORAN. There is a difference between wild fish and hatchery fish. But you can keep them very close if you take the wild fish and use them as brood stock in the hatcheries. So the farm fish—

Mr. SIMPSON. Is that right, Billy?

Mr. FRANK. That is right. Thank you. We got them coming back 22,000. That is right and 11,000.

Mr. SIMPSON. Who is first? Who wants to go first?

Mr. FRANK. I will.

Mr. SIMPSON. Go ahead.

WEDNESDAY, MAY 4, 2011.

SKOKOMISH TRIBAL NATION

WITNESS

JOSEPH PAVEL, VICE CHAIRMAN

Mr. PAVEL. All right, thank you, Mr. Chairman, Representatives of the committee. It is my pleasure to be here. I am Joseph Pavel, Vice Chairman of the Skokomish Tribe in the Pacific Northwest. I was here last year and appreciate all the support and funding we got. I would just like to make one note to the written testimony you received. On the second page it says we received a 40,000 increase in our law enforcement base funding. I would just like to remind the committee that we never had any law enforcement funding in our base. This was law enforcement funding put into our base. As a 638 Tribe, the Skokomish Tribe never did have an enforcement program well as a PL874, that is seated our jurisdiction to the State so as through self-governance we have been able to out of that base direct money toward law enforcement. So we have built up program on Cauble together over the years so this 40,000 increase to our funding for law enforcement is a first and really appreciate that entirely—a lot. I am sorry. I would just like to emphasize that and we also got a onetime funding for a probation officer and that was a great boon to our program. Our court system, we utilize an Inter-Tribal, a traveling court system: Northwest Indian Court system that provides our court and prosecutorial services. And as such without a probation officer or somebody to do administrative work within our local area every time an offender or

violator—they had to go to the bench and so we had a huge backlog there. So with this probation officer we are able to clear that off. We developed a—was able to implement a community service program. We have always had community service as part of the penalty, but nobody to operate it. So that has been a great resource. I know that I also function as a Natural Resources Director for the Skokomish Tribe. We have been able to use some of those folks. I think it looks good for the community to see these people out there doing things. That helps the operations that we have this available resourcing to be able to put these guys to work and I think it makes them feel a lot better to be able to do that. So we also have used some of that funding to get a youth specialty in our substance abuse treatment programs. That was one of the lacks or gaps that we identified last year is that we need to target youth, of course. I think you will see and hear that unfortunately law enforcement remains our number one priority. Certainly respect and support the Administration's attention and the increases that he has offered up for law enforcement. It is a resource that we need not only just to enforce, you know against violations and criminals and so forth, but in the interest of public safety we have endeavored and strived to work with our law enforcement, our public safety department to think of them—this has got to be a community service. This is another community service. We are a service organization. These are our clients, our members, and so not—we are trying to emphasize that point so that it is important to have these people, these resources, these men, these bodies on the ground to have some continuity so they get to know their community. That is just one of the problems we have had is being able to maintain some continuity of staff, some longevity within staff. We need the resources to keep these people interest and keep them on payroll. Unfortunately I mentioned the probation officer. Hired a great guy, but he is gone. He moved on. I think our neighbors—I think Chehalis Tribe hired him away. And this has been the tribe—as a small tribe I am struggling and certainly not having the great amount of resources to put in our program. We hire people. We train them. They move on. And so it is a constant struggle to maintain some longevity and I think that is a component that we need to emphasize so that we can have some community relationship between our staff, our public safety enforcement staff and the community. That being said I think you will note that we do not say much about education and social service programs in here, but not that it is not a priority, but those are areas that we are able to coddle together other resources. There are funding opportunities out there and we have been very aggressive and worked very hard to get that and meet those particular needs.

You have heard from some of the other tribes here with BIA Schools and so forth. We do not have a BIA School on our reservation. We do have a state—a school district with a school right in the middle, in the heart of our reservation on tribal lands. And 35 percent of the students to that are tribal members, so our emphasis is to try to work with those people as efficiently as possible and try to develop that relationship. It has not been good in the past, but that is the goal of the tribal council is to develop that relationship and work with those folks.

Our social services programs as I mentioned we have identified the gap with the youth, and the environmental natural resource programs we have heard a lot about that here. I certainly would anticipate that I could support whatever the Northwest Indian Fisheries Commission is going to say there. I would just like to remind you that we are on Hood Canal which is the Jewel of Puget Sound.

[The statement of Joseph Pavel follows:]

**TESTIMONY OF
JOSEPH PAVEL, VICE-CHAIRMAN
OF THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
May 3, 2011**

I am Joseph Pavel, Vice-Chairman of the Skokomish Tribe of Washington State. I would like to thank the Subcommittee for the opportunity to present testimony on the FY2012 Interior and Related Agencies Budget.

The Skokomish Indian Reservation is a rural community located at the base of the Olympic Peninsula with a population of over 1000 people. The 5300 - acre Reservation is a fraction of the 2.2 million acre of the Tribe's Treaty area. The Skokomish Tribe appreciates the work of the Subcommittee and asks that you provide increased funding in areas that are key to the continuing development of tribal communities.

I. BUREAU OF INDIAN AFFAIRS PROGRAMS

A. Law Enforcement. The Skokomish Tribe respectfully requests increased funding for our law enforcement programs within the Bureau of Indian Affairs.

Since 1997, the Skokomish Department of Public Safety has grown from one (1) untrained officer, to six (6) Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers. Our officers provide day-to-day law enforcement services on the Reservation. They are also responsible for patrolling the 2.2 million acres that make up our treaty protected fishing and hunting areas. To be fully staffed at a baseline minimum for the area and scope of service that the Skokomish Department of Public Safety is tasked with, we need a total of eighteen (18) officers. Thus, we are almost 80% below what is needed to safely serve our community.

In 2010, we had more than 100 "Part One" offenses - manslaughter, rape, domestic violence, child abuse, assault with a weapon, burglary, and arson and a reported 275 offenses for lesser crimes, like assault with no weapon, drug selling or manufacture, and vandalism. In many of these incidents alcohol or other substances were involved. These statistics are more than startling - they are heartbreaking. This means that every third day last year someone was the victim of a violent crime. When an act of violence occurs in our community it usually involves one tribal member hurting another tribal member, and in a number of these cases it is a family member. Thus, the Skokomish Tribal Council has made public safety and addressing criminal behavior in our community a top priority. We have dedicated all the available resources that we have to make our community safe. While we greatly appreciate the \$40,000 increase to our law enforcement base funding, which we received last year, this was the first increase in law enforcement funding that we received in more than a decade. We urge Congress to continue to make tribal law enforcement funding a priority and provide at least the requested \$5.1 million for law enforcement programs.

We also strongly support the \$1 million request for Conservation Officers. These law enforcement professionals serve a vital role in ensuring that our fishermen are able to properly exercise their rights to the treaty-protected resources. Just this last winter, we experienced an incident where non-Indians were firing guns over the heads of our tribal members, who were properly gathering oysters on a beach. While local law enforcement agencies are investigating this incident, we believe that if we had the resources for additional conservation officers to be stationed at key gathering locations we might be able to avoid these kinds of incidents in the future.

This is just one incident of members, exercising their treaty protected rights, being placed in danger or harassed. We fear these incidents will escalate as competition for access to scarce resources grows, especially on the Skokomish River – one of the only rivers on the Olympic Peninsula with a viable sports fishery. Each August, there is what we call “combat fishing” on the River. This is where the sports fishermen stand shoulder-to-shoulder casting their lines in the River. Unfortunately, during this time the Council hears reports from our people about the conflicts between the treaty fishermen and the sports fishermen. Again, we think a strong conservation law enforcement presence could help prevent these conflicts from occurring and escalating.

B. Tribal Courts. Having a fair and qualified judiciary is the bedrock of any government’s justice system. Skokomish has long understood this. In 1963, the Skokomish Tribe was the first Tribe in the Northwest (and one of the first in the country) to institute a tribal court.

Today, Tribal Courts handle huge criminal, civil and juvenile dockets, which could not be handled by the already over burdened state and federal courts. At the close of 2010, Skokomish had 447 open cases ranging from criminal cases to child welfare cases. Because of the number of outstanding open criminal cases, last year the Bureau of Indian Affairs awarded the Tribe one-time funding in the amount of \$130,000 for the Tribe to hire a probation officer. We proposed this model because we found that, without a probation officer, our judges and prosecutors had to use their limited time and resources to monitor the activities of the many criminal defendants in our court system.

This Probation Office has resulted in a great deal of success in clearing criminal cases and providing support for our tribal members to exit the criminal justice system. However, we are concerned that after 2011 this funding will be gone. And we will then return to the system where criminal defendants must appear in court for every matter involving their case and that the only option for the court to monitor a defendant’s activities is to remand him to custody. These options are much more costly, both in terms of money and human capital, than relying on a probation officer, who a defendant can report to and who can monitor the defendant’s conduct and make recommendations to the court.

Thus, we urge Congress to support Tribal Courts and provide at least the \$2.5 million that the Administration has requested and encourage the BIA to fund and support Tribal probation officers for Tribal Courts.

II. ENVIRONMENTAL PROTECTION AGENCY

The Skokomish Tribe urges the Subcommittee to maintain funding for key environmental programs, in particular, funding for Puget Sound restoration efforts. We urge the Subcommittee to reject the EPA's proposed \$30 million cut to this program for FY 2012. This funding is critical to the collaborative efforts to restore the health of the Puget Sound, and in particular the Hood Canal—the Jewel of the Puget Sound. The program is vital to the Tribe's efforts to manage and protect our treaty protected resources in the Hood Canal.

The threat to Hood Canal is a direct threat to the economy of the Skokomish Tribe and our members. More than 90% of the families on the Skokomish Reservation are supported by Treaty harvesters – men and women who exercise their treaty rights to gather resources to provide for their families. If these resources are not available, it means that 90% of the families on the Reservation do not get a paycheck.

III. INDIAN HEALTH SERVICE

The Skokomish Tribe strongly supports the \$4.6 billion requested for the Indian Health Service, which is a significant increase of \$571,433,000 over the FY 2010 enacted level. In particular, the Tribe appreciates the \$89 million increase for Contract Health Care.

While we have a tribally-operated ambulatory clinic staffed with dedicated professionals, our people experience significant geographic and financial barriers to health care. Our Contract Health funds are extremely taxed due to the number of patients who require a higher level of care than what is available at our health facility and limited access to specialty providers. We must continue to refer outside of our facility for such care. The lack of a local IHS-funded hospital further increases the financial burden our CHS budget must endure for inpatient care.

The Tribe would like to suggest the IHS consider as a demonstration program the creation of a team of specialty providers who could provide rotating services to the Tribes in the Puget Sound region. We believe this kind of creative programming and use of limited resources could allow us to better utilize our limited CHS funds. We appreciate the requested \$10,000,000 increase for the Catastrophic Health Emergency Fund (CHEF), as this will decrease the burden of high cost cases.

We are pleased to see continued efforts in the alcohol and substance abuse area. Although abuse of prescription drugs continues to be a highly problematic area, we now are seeing a rise in heroin addiction. We believe the rise in heroin use is due to diminished access to prescription medications. As we see the destruction of adults from substance abuse, we can only hope we can work with our youth and future generation towards breaking the addiction cycle. This will require a concentrated effort on behavioral health and related issues.

Finally, while we greatly appreciate specific grant opportunities and will continue to apply for grants to address our budget shortfalls, grants can some time take away from our core mission, which is meeting the health care needs of our members and the community. In particular, because many grants do not allow for staffing, we must rely upon existing staff to

carry out the grant. We believe additional funding dedicated to clinic staff would greatly enhance our ability to continue to deliver quality health care.

IV. TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of \$154,000. Currently there are 115 tribes operating the program, each receiving less \$72,000. We join the National Congress of American Indians and the National Organization of Tribal Historic Preservation Officers in supporting the requested \$3 million increase in funding for this program.

Conclusion. The Tribe thanks the Subcommittee for the opportunity to present testimony on these important issues.

Mr. DICKS. And it is certainly not a canal. It is a fjord. Right in front of the Olympic Mountains, salt water.

Mr. SIMPSON. Fjord, well that is a foreign word to me. Thank you. Frank, you want to go next, Billy?

Mr. DICKS. I will call it that.

Mr. SIMPSON. Well, do not worry. I watched a program last night where Mount Rainier theoretically blows up and when it does, Seattle and the whole region—that would be bad.

Mr. FRANK. Mr. Chairman.

WEDNESDAY, MAY 4, 2011.

NORTHWESTERN INDIAN FISHERIES COMMISSION

WITNESSES

BILLY FRANK, JR., CHAIRMAN

MIKE GRAYEM

ED JOHNSTONE

Mr. FRANK. Mr. Chairman, thank you and honorable members of the subcommittee. I am Billy Frank, Chairman Northwest Indian Fish Commission. It is indeed a pleasure to be here. Northwest Indian Fish Commission is one of our natural resource managers for the tribes, the twenty tribes that we represent and we come back here with one voice. You see all of our tribes in here today. And we try to talk with one voice to the United States Congress. And we have been doing that for the last—now I just had an eightieth birthday, so I have been here for a long time and so with me today I have my executive director Mike Grayem and my treasurer down here Ed Johnstone from Quinalt. And so I would like Mike to go through this part of the—

Mr. GRAYEM. Thank you one and all. I am—Billy has asked me to give you a quick thumbnail sketch of the requests that we are making. Our biggest interest in the Bureau of Indian Affairs Budget is the rights protection implementation account. These are the monies that the government provides the tribes to manage and protect and restore the resources that are vital to the rights that they reserved under treaty with the United States. So our biggest first priority is we want this account to be maintained at at least the fiscal year 2010 enacted levels. In particular the western Washington Fisheries Management Account which is the dollars that come to the tribes in the Northwest that are members of our commission. We have been asking for a number of years for an increase there of 12 million. In fiscal year 2010, you heard that plea and increased the Rights Protection Account as a whole by 12 million of which 3.386 was allocated by the Bureau to Western Washington. Those dollars are greatly appreciated. They have allowed us to maintain some very important programs, but our needs continue to be greater. And so we are asking for an increase of 8.643 which would get that total up to the 12 million that we have been asking for in total to meet the natural resource management needs of our member tribes.

This is particularly important right now because the State of Washington's budget is being slashed particularly in the realm of natural resource management. We just met with the governor's

staff on Friday and learned in particular where those cuts are coming from and in order for the tribes to protect these resources that are the basis of their treaty right, they are going to have to do more because the State simply cannot do what they have been doing. So that is our first request.

We also request that the Washington State Timber Fish and Wildlife line in this Rights Protection Account be maintained at the fiscal year 2010 enacted levels. We are also asking for an increase in the salmon marking line. I do not want to reenergize the debate that occurred here a few moments ago with—but we, the Northwest Tribes have a—well the whole Northwest Fish Hatcher system is the largest in the world between state, tribal, and federal. And under the congressional mandate to mark hatchery production that is funded by federal dollars we are doing that but we—marking is only part of what is required. We have got two problems. We are not—we do not have the resources to continue marking the increased production that is occurring and we need additional money to address the issues that result from marking the fish. And so we are marking the fish for a purpose. One of those purposes is to be able to identify hatchery and wild fish and so you can deal with them separately. Another purpose they are being put to is marked selected fisheries and those require additional funds to do the analysis, do the monitoring, to basically utilize those mass marks. And so that is where our request of additional 1.4 million comes in.

And then the last issue under Rights Protection is the U.S. Canada Pacific Salmon Treaty. We support the request that is being made by the Pacific, the United States section of the Pacific Salmon Commission for an increase of 694,000 to this account which supports the Northwest Columbia River and Matlakatla Tribe and Alaska's participation in that treaty and the responsibilities.

The last issue on the BIA is the Fish, Wildlife, and Parks Account and particularly the fish hatchery maintenance. We were very pleased with the Administration's increase to this account and we fully support what the Administration has put into the budget. This is a really important account to the tribes to maintain their aging hatchery facilities and will be put to great use.

And then lastly EPA—we are generally pleased with what we saw in the budget by the Administration. We want to mention our support for the Tribal General Assistance Program (GAP). That money is used by all the tribes nationwide to support capacity building and partnership with EPA. In addition to that, the President's budget has a new initiative called a Multimedia Tribal Implementation Grant Program. We are very excited about this. It is in the budget for 20 million and we fully support that. We have been working with EPA to try to identify how we move beyond the capacity building and actually implementing this environmental program partnership of EPA and we see this as the funding avenue to allow us to do that.

And then lastly but not least is restoring the geographic program and clean of Puget Sound to the 50 million level that was enacted in 2010. This is an extremely important program to everybody in the Northwest to restore Puget Sound, recover salmon, and I do not think I need to say more because Congressman Dicks—

Mr. DICKS. Well, the Chairman has been very helpful on this, too. We are doing our best. It is very difficult.

Mr. JOHNSTONE. Thank you, Mr. Chairman. I come here as a piece of this delegation. One, as a treasurer of the Northwest Indian Fish Commission and two, as an actual Fisheries Manager for the Quinault Indian Nation of which I am a member. And I just wanted to stress the importance of the Western Washington Bold Account and those funds are really the core of the base funding for all of our Fisheries Programs. It is a very important funding source and it is actually tied to the U.S. v. Washington Case. The judge wrote certain requirements in the decision and to comply with those decisions the Western Washington Account was created by Congress to fulfill those court orders.

So as other decisions have come down since then like the Rafeedie Decision, those decisions did not include the funding to execute the rights that were affirmed in those court cases. So our duties and responsibilities went up tremendously and our funding level stayed at 1970's levels. And so this request that you see here is an attempt at us to reflect those duties and responsibilities in the current inflationary costs and so forth that would get us to the basis for being able to just carry on the requirements under those court decisions.

Mr. FRANK. Mr. Chairman, I just want to thank you for coming and letting us speak today. And we know that it is a difficult time for all of you to be looking at this budget. You know our—we are the Treaty Tribes throughout the Northwest and throughout all of our country, you know and we fought determination as you heard here a little while ago and we finally got everybody back on line. And you know we are just support each other. Thank you.

[The statement of Billy Frank, Jr. follows:]



Northwest Indian Fisheries Commission

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**TESTIMONY OF BILLY FRANK, JR., CHAIRMAN
 THE NORTHWEST INDIAN FISHERIES COMMISSION
 BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES
 APPROPRIATIONS SUBCOMMITTEE
 ON THE FY-2012 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
 ENVIRONMENTAL PROTECTION AGENCY
 May 4, 2011**

Mr. Chairman and other Honorable Members of the Subcommittee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege for me to be among the distinguished cadre of Northwest Tribal Leaders who are also here to present the funding requests of their people. Their strong support and encouragement gives our organization focus and direction and helps make us successful in protecting and enhancing their treaty rights. To meet the many natural resource management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

SUMMARY OF FY-2012 APPROPRIATIONS REQUEST

Bureau of Indian Affairs

Rights Protection Implementation Account

- Increase Western Washington Fisheries Management by \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million.
- Restore the Washington State Timber-Fish-Wildlife Project to the FY-2010 enacted levels of \$2.736 million.
- Increase Salmon Marking by \$1.4 Million from the amount contained in the President's FY-2012 budget to a total of \$2.4 million.
- Increase U.S./Canada Pacific Salmon Treaty by \$694,000 from the amount contained in the President's FY-2012 budget to a total of \$4.8 million

Fish, Wildlife and Parks Account

- Support the Fish Hatchery Maintenance account at \$5.452 million as requested in the President's FY-2012 budget.

Environmental Protection Agency

- Support the Tribal General Assistance Program (GAP) at \$71.375 million as requested in the President's FY-2012 budget.
- Support the Multimedia Tribal Implementation Grants Program at \$20 million as requested in the President's FY-2012 budget.
- Restore the Puget Sound Geographic Program to the FY-2010 enacted level of \$50 million.

National Requests

- We also support the budget priorities and funding requests of the National Congress of American Indians.

On behalf of our 20 member tribes, I am here today to speak to our FY-2012 natural resource management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Committee has given to us in the past couple of years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY-2012 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the Committee's actions from the last two years.

TRIBES, TREATY RIGHTS AND TRUST OBLIGATIONS OF THE FEDERAL GOVERNMENT

Indian tribes have always inhabited the watersheds of western Washington, with cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, a series of treaties were negotiated between the federal government and the tribes in the region. Through the treaties, the tribes ceded most of their land, but in doing so, reserved certain rights to fish, hunt and gather to protect their way of life.

The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. In 1974, the tribes won a major victory in *U.S. vs. Washington* (Boldt Decision), which reaffirmed their treaty-protected fishing rights. The ruling, which has been upheld by the U.S. Supreme Court, established the tribes as co-managers of the resource and determined they were entitled to 50 percent of the harvestable number of salmon returning to Washington State waters. More recent federal court rulings and solicitor opinions upholding treaty-reserved rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is essential in nearly all aspects of natural resource management in the region.

The tribes from the Pacific Northwest have stepped forward and have embraced co-management. Today, the tribes have developed sophisticated natural resource programs designed to protect and enhance their treaty rights. Tribal programs, based on deep cultural and philosophical underpinnings, have served as the backbone of salmon recovery, providing the technical, policy and legal framework for this incredibly difficult task. Tribes perform complicated harvest, hatchery and habitat management tasks that neither the state nor the federal government can effectively carry out. Tribal programs, largely funded by the BIA, serve as a *de facto* arm of the federal government as it labors to uphold its trust obligations to the tribal people. These funds are contracted or compacted by the tribes through the Indian Self-Determination and Education Assistance Act. Under this Act, tribes were delegated authority to provide their own services created by the federal trust responsibility. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding.

JUSTIFICATION OF FY-2012 APPROPRIATIONS REQUEST

BUREAU OF INDIAN AFFAIRS

- Increase Western Washington Fisheries Management by \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million

Over the past several years, the tribes and the NWIFC have requested an increase of \$12 million in the base Western Washington Fisheries Management program. In FY-2010, Congress heard our plea and increased the national Rights Protection Implementation account by \$12 million with \$3.386 million of this going to the Western Washington Fisheries Management Program. This increase was very much appreciated and will go towards meeting many of our needs. However, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. *We respectfully request an increase of \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million which is consistent with our needs assessment presented in FY-2010 to this Committee.*

- **Restore the Washington State Timber-Fish-Wildlife Project to the FY-2010 enacted levels of \$2.736 million**

The Congressional increase to the Rights Protection Implementation subactivity in FY-2010 of \$12 million was allocated to all programs within this element including the Washington State Timber-Fish-Wildlife Project. However, the President's FY-2012 budget did not carry forward the entire FY-2010 increase. The Washington State Timber-Fish-Wildlife Project was reduced by \$10,000. *Thus, we respectfully request that this account be restored to maintain the FY-2010 funding level.*

- **Increase Salmon Marking by \$1.4 Million from the amount contained in the President's FY-2012 budget to a total of \$2.4 million**

The Salmon Marking line item was funded at \$1.0 million by the FY-2010 increase in the Rights Protection Implementation subactivity. These funds are used to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington, pursuant to the federal requirement to mass mark Pacific salmon reared in facilities funded by federal dollars. *We respectfully request an additional \$1.4 million to fully implement more extensive selective fisheries targeted at these marked fish.*

- **Increase U.S. Pacific Salmon Treaty by \$694,000 from the amount contained in the President's FY-2012 budget to a total of \$4.8 million**

The Pacific Salmon Treaty Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the Pacific Salmon Treaty, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. *We support the U.S. Section's recommendation to fund the Department of the Interior, BIA at \$4.8 million, an increase of \$694,000 from the amount contained in the President's FY-2012 budget.*

- **Support the Fish Hatchery Maintenance account at \$5.452 million as requested in the President's FY2012 budget**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Tribal hatcheries produce 50% of the coho salmon and 33% of the Chinook salmon in Puget Sound and the coast of Washington. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed

under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY-2006 by the BIA at the request of Congress which identified a level of need of over \$48 million in necessary hatchery maintenance and rehabilitation costs. *We support the funding of this account at \$5.452 million as requested in the President's FY-2012 budget.*

ENVIRONMENTAL PROTECTION AGENCY

- **Support the Tribal General Assistance Program (GAP) at \$71.375 million as requested in the President's FY-2012 budget**

We support full funding of the EPA Indian General Assistance Program (GAP) at the \$71.375 million amount requested in the President's FY-2012 budget. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. *We support the increase of \$8.5 million from the FY10 enacted level which is included in the President's budget.*

- **Support the Multimedia Tribal Implementation Grants Program at \$20 million requested in the President's FY-2012 budget**

This program was initially included in the President's FY-2011 budget request. It will allow the EPA to provide targeted multimedia (cross discipline) grants to tribes for implementation of federal environmental programs. This program logically follows the capacity building function under the Tribal GAP, as noted above. This program is a substantial investment from within the EPA and will continue to build a firm foundation for environmental protection. Tribes in western Washington are ready to partner with EPA to begin this implementation program. *We support \$20 million for the Multimedia Tribal Implementation Grant program funding, which is included in the President's FY-2012 budget.*

- **Restore the Puget Sound Geographic Program to the FY-2010 enacted level of \$50 million**

Marine resources are very important to our member tribes. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. *We support restoring this program to the FY-2010 enacted level of \$50 million.* With this level of funding, collaborative work can continue on key marine issues, salmon recovery, land use management and regulatory changes.

CONCLUSION

Mr. Chairman, and Members of the Committee, we know that it is difficult to allocate scarce federal funds at this time. However, we believe that the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support.

Thank you.

Mr. SIMPSON. Thank you. Next.

WEDNESDAY, MAY 4, 2011.

PUYALLUP TRIBE

WITNESS

LAWRENCE W. LAPOINTE, VICE CHAIRMAN

Mr. LAPOINTE. I am next. Mr. Chairman, thank you for allowing me to speak on behalf of the Tribe of Puyallup. My name is Lawrence LaPointe, Vice Chairman. Puyallup Tribe, we do have an education facility. We represent 4,260 Puyallup Tribal members plus about 25,000 relocated members of other tribes—355, almost half of the tribes of the United States.

The President's budget increase of 2.4 billion for Indian Programs, operations of Indian Programs is 23.7 million above 2010 levels. Same with 4.6 billion for IHS which is rated 571.4 billion—million and the Puyallup Tribe would like to see that increase looked at as a base funding and start next year. And then if that is possible, I do not know. I mean, there are a lot of things to be looking at. We are one of 20 tribes that received arrow funding to create a correctional facility on our reservation but that is like enabled unfunded mandate as far as we are concerned because we can build a building but where are the funds to operate it? So we are asking Congress to support our request for annual budget of 1.3 million to operate the facility.

The natural resources—I do not think I have to reiterate what Billy and the rest of them said from Northwest Indian Fish Commission. It needs to be maintained. Our education—the budget request for 795 million for education is a decrease of 3.8 million from current levels and we have a population 910 students in our school system. And it is slowly growing. You can say location, location, location as far as the casino. We are successful, but I think we are one of the few casinos in the country because we did not take an economic hit like Wolf's—did. And we are able to supplement a lot of programs.

But I do not believe there is any tribe in this country that is self-sufficient to the point where we can assume whatever we receive from the federal government to provide services to our membership plus the other natives that are within our service area. So and then we have a school that was—is not complete yet. The Bureau did not provide funding to complete the auditorium which probably now—it was 800,000 at the time and I believe it is about 1.4 million now.

And we, you know there was a mention of education for secondary students and we have put approximately 250 tribal members through college and they are working throughout the country. Transportation—we are recommending that the transportation not be changed from the current formula because as Congressman Dicks knows we are a very urban tribe. We do have access to natural resource areas and we need to be able to maintain those access roads with cooperation with the county as well as I think Hancock knows where the fish ladder is.

Mr. DICKS. Ron Puyallup.

Mr. LAPOINTE. Ron Puyallup, yeah. I read about boarding. So we are recommending that. And the same with contracts for it. We would like to see that covered 100 percent so that when we get new grants and contracts that we are able to handle them.

And then last but not least I guess non-BIA Internal Revenue Service. And we are getting attacked in all different ways from IRS and in regards to—even native made materials that we have to send 1099's to our tribal members and most native created like hand carvings is not taxable. I do not know.

Mr. SIMPSON. That is different. We will look into that.

Mr. LAPOINTE. Thank you.

[The statement of Lawrence W. LaPointe follows:]



Puyallup Tribe of Indians



TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES
FISCAL YEAR 2012
May 4, 2011

Mr. Chairman, my name is Lawrence W. LaPointe, Vice-Chairman of the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,263 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2012 Federal Budget. On February 14, 2011, President Obama delivered his FY 2012 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits in FY 2011 and 2012. Within the budget, *\$2.4 billion is provided for the Operation of Indian Programs. This represents an overall increase of \$25.7 million from current levels. For the Indian Health Services, \$4.6 billion is provided, an increase of \$571.4 million over the FY 2010 level.* We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and the Indian Health Services. However, the years of inadequate funding and the effects of inflation has impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2012 budget and future appropriations, efforts to insure adequate funding is provided for the operation of Indian programs will be paramount. To preserve the increased funding levels realized in FY 2010 and contained in the proposed FY 2012 budget for the Bureau of Indian Affairs and Indian Health Services, the increases should be viewed by Congress and the Administration as new *"base funding"* amounts with annual increases to meet actual need. Specific issues and needs are:

Department of Interior – Bureau of Indian Affairs

- *Public Safety & Justice: The FY 2012 Budget request includes \$354.7 million for BIA Public Safety & Justice. This represents a \$20 million increase which is fully supported by the Puyallup Tribe. The \$84.9 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe. Within this amount, \$11.4 million is directed to fund operations and O&M costs at newly-constructed facilities. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a 46 bed corrections facility. The Tribe has mobilized the Project Team, addressed all Special Conditions of the Grant Award, completed facility environmental documentation, design and established a Groundbreaking Ceremony for Spring/Summer 2011. The Project will be completed and be come on-line by the end of Fiscal Year 2012. The Puyallup Tribe has submitted a P.L. 93-638 contract request to the B.I.A. for Operations and Maintenance funding for the new Puyallup Corrections facility. We are requesting support from the Subcommittee on our contract request to*

the B.I.A. for the O & M funding for the Tribe's Adult Corrections facility, estimated at \$1.3 million annually. In addition, we have submitted a P.L. 93-638 contract request to the B.I.A. for Tribal Court funding, including pre-award and start-up funding. In F.Y. 2010, the B.I.A. was able to fund only one-third of actual need of pre-award and start-up funding requests. We are requesting support from the Subcommittee on our contract request for Tribal Court funding and to fund pre-award and start-up funding at 100% level of need, approximately an increase of three times the F.Y. 2010 base funding.

- **Natural Resources Management:** The Puyallup Tribe as stewards for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. For FY 2012, \$162 million is provided for natural resource programs, which is a \$5 million increase over the FY 2010 funding level. As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship of these resources. *The Puyallup Tribe will continue to secure increased funding for our Fisheries Management program and request, at a minimum, Hatchery Operations and Maintenance be funded at the proposed F.Y. 2012 budget level. The Timber, Fish and Wildlife (TFW) and U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. We request Subcommittee support to provide funding for the T.F.W. and U.S./Canada Pacific Salmon Treaty programs at the F.Y. 2010 enacted budget level. The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the B.I.A. Unresolved Hunting and Fishing Rights grant program. We request Subcommittee support to provide base funding to the Tribes Wildlife Management Program in the amount of \$100,000 through the B.I.A. Unresolved Hunting and Fishing Rights program in FY 2012 Appropriations.*
- **Education:** The FY 2012 Budget request funding of \$795 million for the Education program, a decrease of \$3.8 million from current levels. We operate the pre-K to 12 Chief Leschi Schools which included a verified 2008-2009 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be required. Additional, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The Tribe will work with Congress and the BIE to increase funding in FY 2012, including: *Tribal Grant Support Cost for Tribally Operated Schools - \$72.3 million; Student Transportation - \$73 million; School Facilities Accounts - \$109.8 million in facilities operations and \$76 million in facilities maintenance; and Indian School Equalization Formula (ISEF) - \$431 million.*

- **Transportation/Indian Reservation Roads Program:** The President's FY 2012 includes \$556 billion for the Department of Transportation six-year surface transportation reauthorization proposal. Within the FHWA \$70.5 billion budget request is \$600 million dollars to implement the newly-titled "Tribal Transportation Program". This would fund the Indian Reservation Roads and IRR Bridge Programs. *This request is a \$136 million increase over the current level for the IRR and IRR Bridge programs.* The Puyallup Tribe will continue to work with the President and Congress to ensure adequate funding is provided to these critical programs. *It should be noted, the Puyallup Tribe opposes any changes to the current funding formula under 25 CFR 170 Section C. We fear that unless there is a provision in the reauthorization of SAFETEA-LU that provides for urban Tribes that have enormous roads funding needs but do not own the roads.* This could be achieved through a special provision in the next legislation that protects small land based and urban based Tribes. *Also, the Tribe requests that in the next reauthorization of SAFETEA-LU, Tribes be granted greater flexibility to use their IRR dollars for roads that provide access to treaty protected resources.* Specifically, we have approximately 50 miles of "private" roads that provide the only viable access to Tribal fisheries facilities at the headwaters and southern portions of the Puyallup River. These facilities require daily and weekly access and they include a fish ladder, rearing ponds, and spawning survey access points. Under current BIA regulations, the BIA and DOT will not let the Tribe use IRR dollars to make improvements to these roads, thus important treaty protected resources are in danger. *We will continue to work with the Administration and Congress on the reauthorization of SAFETEA-LU to ensure that any legislative and administrative proposals for authorization equally benefit both large and small land based Tribes.*
- **Operations of Indian Programs & Contract Support Costs:** The President's F.Y. 2012 budget is in drastic need for increased funding for the B.I.A. Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operations of Indian Programs at the F.Y. 2012 request of \$2.4 billion and fund Contract Support costs at the 100% level of need.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare programs by \$15 million; and increase B.I.A. Child Welfare Assistance by \$55 million.

Department of Health and Human Services – Indian Health Service

- In FY 2010 passage and permanent reauthorization of the "Indian Health Care Improvement Act (IHCIA)" was realized as part of Patient Protection and Affordable Care Act (PPACA). For the past 10 years Tribes have been working with Congress on the reauthorization of IHCIA to ensure that the Indian health care delivery system is strengthened and funded at levels necessary for the health, welfare and rights of Indian people and sovereign governments. While health care reform remains a major political issue, Congress must realize the impact repeal of the PPACA would have on the general health of Native Americans and Alaskan Natives. Indian Country strongly supports health care reform and seeks to ensure that Indian people and health programs benefit from reformed systems. Decades of underfunding has driven the Indian Health system to become cost-effective, innovative and collaborative, all in an effort to eliminate atrocious medical practices, failing facility conditions, unreliable funding and services. The permanent reauthorization of the IHCIA was a major step towards addressing these

negative factors. The Puyallup Tribe strongly requests your continued support of the Indian Health Care Improvement Act and its permanent reauthorization.

- While Health Reform and reauthorization of the IHCA are important and necessary steps towards improving the quality of health care in Indian Country, inadequate funding is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. The Contract Care allocation to PTHA has been significantly inadequate to meet the actual need since F.Y. 2004 when the Puyallup Tribe subsidized Contract Health with a \$2.8 million dollar contribution; in F.Y. 2005 PTHA shifted to a priority status. By F.Y. 2009 the tribal subsidy had reached a staggering \$6 million dollars. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2010 and 2011 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2012 Budget requests \$4.6 billion in discretionary budget authority for the Indian Health Service. This represents a \$571.4 million increase over current FY 2010 levels. For Health Services programs the Budget request is \$4.166 million, an increase of \$508 million of FY 2010 levels. Included within the increases are funding for Contract Support Costs (\$461.8 million), Contract Health Services (\$948.9 million) and \$211.7 million Alcohol and Substance Abuse funding. The Tribe fully supports funding increases for existing I.H.S. programs and will work Congress to continue efforts to increase funding for I.H.S. and the critical programs administered by this Agency.*

Non-B.I.A. - Internal Revenue Service

- The controversy of the Internal Revenue Service (IRS) policy of treating health benefits provided by Tribes to their members as taxable income continues to have a direct impact on Tribes and members. Initially, the IRS took issue with health benefits being provided to members by Tribal Governments. Due to the ongoing inadequate funding of the IHS, some Tribes commenced using "tribal revenue" to supplement the health services offered by the IHS. This includes providing private health insurance coverage for their members to help offset inadequate funding of the IHS. The IRS asserted that the "general welfare exclusion" doctrine has been applied to benefits provided by both tribal and non-tribal governments and to be excluded from taxable income, a health benefit must be provided by applying a standard of financial need. In contrast, other benefits, such as, Medicare and Veterans Administration are excluded from gross income and are not based on a standard of financial need. Recently, the passage and permanent reauthorization of the Indian Health Care Improvement Act include language to exempt medical health care Tribe's provide to their members. Other tribally provided benefits, such as education, meals for elders and housing continue to be pursued by overly aggressive IRS enforcement agents as taxable events. The Puyallup Tribe is experiencing this type of IRS scrutiny on benefits provided to our members. The IRS has a responsibility to carry-out the government-to-government relationship in which the United States has failed to provide health care as promised and IRS Indian Tribal Governments Office (ITG) needs to be a voice on these issues for Tribes. Not an adversary. However, IRS continues its efforts to tax other social and cultural benefits Tribe's provided their members. We will continue to work with Congress on the development of legislation to refocus the IRS regarding benefits provided by Tribes to members.

Mr. SIMPSON. Our agency. Thank you.

WEDNESDAY, MAY 4, 2011.

SQUAXIN ISLAND TRIBE

WITNESS

RAY PETERS, INTER-GOVERNMENTAL LIAISON TO THE TRIBAL COUNCIL

Mr. PETERS. On behalf of the Squaxin Island Tribe leadership and the citizens of the tribe, I am honored to be here to submit our budget request for 2012. Much of the written testimony that I am submitting here is detailed, but really want to talk about a tribal specific program that the Squaxin Island Tribe runs. We are in the lower Puget Sound. We are next to our brothers and sisters of the Skokomish Tribe, but we are on the Sound, not the—what is that word you used? The refore—

Mr. SIMPSON. Fjord.

Mr. PETERS. Refera. Yes. The Squaxin Island Tribe is the largest employer in Mason County Sixth Congressional District and we run the Northwest Indian Treatment Center that is a regional facility that is very effective and efficiently run. And that base budget was established in a Congressional set aside in 1993, and we are at a point where we in the past have been able to piece together that budget by using State funds, county funds. We are state accredited. We are nationally accredited through CARF, but with the climate in the States some of those funds are going away and our base budget has not been increased since that initial set aside.

We are requesting an increase in our base budget of \$1 million. It is a program that the tribe has put many resources in as well we have been very effective in our capabilities of third party billing, going after grants, and other outside funding to be able to piece together that budget. But we are in a critical need here to be able to continue the services that we provide and the efficiency is outstanding. Not only do we service the Oregon, Idaho, Washington, but we have tribes seeking out and sending tribal members to us across the nation as far away as Florida.

And so that is an area that is at the utmost importance. We have been able to increase the treatment in regards to behavioral health and also psychiatric services as well. Without that increase in funding we will need to start to cut back our services and that would be a shame. That would be an impact on all the tribes of the Northwest, but also as well to the State as well.

As I said, all the specifics that the other tribes have talked about that are very important, the budget detail is in the written testimony so I will not take up your time in regards to reviewing most of those things that have already been discussed today. I will say that we fully support affiliated tribes in Northwest Indian's recommendations, Northwest Indian Fish Commission recommendations as well as the National Congress of American Indians, Northwest Indian Health Board, and as well the National Indian Health Board. Thank you for your time and I just want to close by saying Norm, we do take all of our fish as well as Squaxin Island Tribe.

It is very important. Our fisheries department and the habitat issues are very important to us as well. Thank you.
[The statement of Ray Peters follows:]



SQUAXIN ISLAND TRIBE

**Written Testimony of Chairman Dave Lopeman, Squaxin Island Tribe
Presented by Ray Peters, Inter-Governmental Liaison to the Tribal Council
to the House Interior, Environment and Related Agencies Appropriations Subcommittee
On the Fiscal Year FY 2012 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
May 4, 2011**

On behalf of the Tribal Leadership and members of the Squaxin Island Tribe, I am honored to submit our funding priorities and recommendations for the FY 2012 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The FY2012 President's proposed budget presents a renewed opportunity for the U.S. government to live up to the promises made to American Indian/Alaska Native (AI/AN) Tribal governments. We want to thank this Subcommittee for their long standing support and urge your consideration of the following requests:

Tribal Specific Requests:

1. **\$1 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

Regional Requests and Recommendations

The Squaxin Island Tribe is actively involved in the collective Northwest Tribal efforts and supports the requests and recommendations of:

1. **Northwest Portland Area Indian Health Board**
2. **Affiliated Tribes of Northwest Indians**
3. **Northwest Indian Fisheries Commission**

Self-Governance and National Requests and Recommendations:

Bureau of Indian Affairs

1. **TPA General Increase** - Provide \$82.9 million (10% increase over FY2010)
2. **Contract Support Costs** - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund
3. **Increase funding to the Office of Self-Governance** to fully staff the office for the increase of Tribes entering Self-Governance

Indian Health Service

1. **Fully Fund Current Services** - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan
2. **Contract Health Services (CHS)** - Provide \$118 million Increase for CHS
3. **Contract Support Costs (CSC)** - Provide \$122 million for IHS to Fully fund CSC
4. **Office of Tribal Self-Governance (OTSG)** - Increase \$5 million to the IHS OTSG

We support all requests and recommendations of the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.

Squaxin Island Tribe Background

The Squaxin Island Tribe is located in southern Mason County, near Shelton, Washington in the 6th Congressional District. The Tribal government and its economic enterprises constitute the largest employer in the county with over 1,250 employees. The Tribe is a signatory to the 1854 Medicine Creek Treaty and is a Self-Governance Tribe. The Tribe has a current enrollment of 1,017 and an on-reservation population of 426 living in 129 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30% (according to the BIA Labor Force Report).

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:**1. \$1 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

"D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light" – NWITC has not received an adequate increase in its base Indian Health Service budget since the original Congressional set-aside in 1993. **An increase of \$ 1 Million would restore lost purchasing power and meet the need to add mental health and psychiatric components to treatment. This increase would allow NWITC to continue its effective treatment of Native Americans.**

The Squaxin Island Tribe operates the NWITC located in Elma, Washington (6th congressional district). NWITC is a residential chemical dependency treatment facility designed to serve American Indians from Tribes located in Oregon, Washington and Idaho who have chronic relapse patterns related to unresolved grief and trauma. NWITC is unique in its integration of tribal cultural values into a therapeutic environment for co-occurring substance abuse and mental health disorders.

NWITC has over 15 years of experience providing residential treatment with culturally competent models and is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), an international accrediting organization for behavioral health programs. The NWITC is also certified by Washington State Division of Alcohol and Substance Abuse (DASA) Division of Behavioral Health and licensed by the Department of Health.

Approximately 180 clients are treated at the NWITC each year. In 2009, the NWITC served 193 patients from 28 tribes. In 2009, the NWITC added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. Our base allocation in 1994 was \$850,161. In 2010 it was \$994,877. If value equity to the 1994 baseline were maintained, the 2010 allocation would have been \$1,250,895. Despite funding challenges, NWITC has continued to develop and deliver innovative, culturally appropriate services to meet increasingly complex demands.

Let me share just one of the many NWITC success stories: *X came into treatment referred by a tribe on the Kitsap Peninsula. He came pressured by court but did not believe he could change – nor did he really want to. While in treatment his spirit awakened and he came to believe in a different possibility. He is now a chemical dependency counselor. He writes each year on the anniversary of his admission to thank us for his changed life. He sends pictures of the children he is raising and tells us their lives are also changed.*

It is critical to increase the NWITC's annual base allocation from IHS in order to sustain the current services to the tribes of the Northwest. **We respectfully request the Subcommittee to increase the annual base allocation for the NWITC by \$1,000,000 additional dollars to guarantee that patients can be admitted based on need, not State funding streams, and that culturally infused, integrated and comprehensive treatment services and recovery support services will be maintained.**

Self-Governance and National Requests and Priorities:

Squaxin Island was one of the first 30 tribes in the nation to enter into a Self Governance Compact with the Federal government. Today, the Tribe establishes its own priorities and budgets for funds previously administered by the BIA and IHS. In order to effectively carry out the transfer of federal activities to Tribes under the Indian Self-Determination and Education Assistance Act, ***we respectfully request this Subcommittee to protect and support the President's FY2012 proposed increases for Indian Affairs programs and to support the following additional program increases:***

1. **TPA General Increase - Provide \$82.9 million (10% increase over FY2010) for General Increase**
TPA is one of the most important funding areas for Tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6% per year. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for Tribes to exercise their powers of Self-Determination and Self-Governance. *We respectfully urge the Subcommittee to provide at least a 10% (\$82.9 Million) "general increase" over the FY 2010 enacted level for TPA in order to maintain these programs and services.*
2. **Contract Support Costs - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund**
Contract support costs are the key to Self-Determination for Tribes. Full funding of CSC covers the fixed overhead costs that a Tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When CSC is not fully funded, Tribes are forced to utilize limited direct program services dollars or Tribal resources to cover these shortfalls. Further, contract support costs directly funds jobs-- and those jobs directly enhance services for education, law enforcement and other essential governmental services across Indian Country. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*
3. **Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance**

IHS REQUESTS

The President's FY2012 proposed increase for the IHS represents a significant increase of \$571 million (14.1%) over the FY 2010 enacted level. This represents a positive step toward meeting the overwhelming \$22.1 billion needed to bring parity in health care for American Indians and Alaska Natives. Last year, permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) was included as part of the Patient Protection and Affordable Care Act (ACA). Effective implementation of the IHCIA requires an investment in Indian health to ensure that Indian health care delivery system is strengthened so that American Indian/Alaska Natives (AI/ANs) and Indian health programs benefit from these reformed systems.

We respectfully urge this Subcommittee to hold Indian health program harmless and to protect and support the President's FY2012 proposed increases for IHS programs from budget roll-backs, freezes and rescission. We offer the following additional recommendations:

1. Fully Fund Current Services - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan

Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth. Maintaining current services is a fundamental budget principle. *We respectfully urge the Subcommittee to provide an increase necessary to maintain the current level of care.*

2. Contract Health Services (CHS) - Provide \$118 million Increase for CHS

This increase of \$118 million is a modest increase compared to the estimated needs of \$1 billion! At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. *We respectfully urge the Subcommittee to provide to address this critical need.*

3. Contract Support Costs (CSC) - Provide \$122 million for IHS to Fully fund CSC

For FY2012, the estimated shortfall is \$153 million. Investing funds here is wise. No part of the IHS budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work. Adequate CSC funding assures that Tribes have the ability to deliver the highest quality health care services to their members. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*

4. Office of Tribal Self-Governance (OTSG) - Increase \$5 million to the IHS OTSG

As of 2011, there are 334 Self-Governance (SG) Tribes managing approximately \$1.4 billion in funding. This represents 59% of all federally-recognized Tribes and 33% of the overall IHS funding. The Office of Tribal Self-Governance (OTSG) supports Tribes operating programs under the Tribal Self-Governance Amendments of 2000. The Self-Governance process serves as a model program for health care reform implementation and builds Tribal infrastructures to provide quality services to AI/AN people. *We respectfully urge the Subcommittee to provide an increase to provide for adequate implementation of this Act.*

On behalf of the Squaxin Island Tribal Council and Tribal members, thank you for this opportunity.

Mr. SIMPSON. Thank you. I will turn it over to Norm since this is kind of a Washington delegation. And let me say for all of you that you know that the reason that the budget for BIA and Indian Health Services and the Education Department at the BIA was the increases that have occurred over the last several years have been primarily due to Norm. When he was chairman of this committee he did a fantastic job. While I had differences with my Democratic colleagues on some things, it is one of the areas where I really appreciated the work that he did in working with him and we fortunately have been able to continue that under both Mr. Moran and under myself to—it is very important to all of us, but it started with Norm.

Mr. DICKS. Well, thank you, Mr. Chairman for that very kind remark and Tom Cole, who was chairing here, has been a tremendous supporter. And we are faced with some very difficult times coming ahead here in terms of having to make some cuts in the budget. And you know we tried to minimize the damage this year on 2011, but 2012 you know initially is going to be very difficult. Hopefully at the end of the process we can work out compromises and protect some of these most sensitive programs. Who do you apply to? Do you go to the Indian Health Service or the Portland Office for this million? Because you know we cannot do earmarks now. So you know I do not know if I did this earmark. Was it my earmark or was it Senator Murry's or—

Mr. PETERS. Set aside, yes.

Mr. DICKS. Yeah, so see you are going to have to find a program in the department where you can go and apply for funding and we will try to help you. So that is really going to be the one or if there is an account that we can plus up without specificity because they have to make the decisions then those are the ways we could help you.

Mr. PETERS. Yeah, and we are hoping—our hope is that the increase that the IHS budget is hopefully going to see that some of those dollars can be directed to the treatment center. And again, we appreciate your help and the influence that you have made—

Mr. DICKS. You are applying though?

Mr. PETERS. Yes.

Mr. DICKS. Do you know when they have their application time frame and all that?

Mr. PETERS. We are meeting with the director. In fact we had a conflict. The director is actually at Self-Governance Conference right now. And so some of our leadership is there as well.

Mr. DICKS. Well, Pete Modaff can help you on this and again we are going to try to do the best we can. I mean, Billy, this is as tough a year as I have seen.

Mr. FRANK. Oh yeah.

Mr. SIMPSON. So we will just try to work with the Chairman and do the best we can and at the end of the day it I—it will not be as quite as bad. The House is going to make some very serious cuts and we—and but there will be a process. The Senate will go in and then we have conferences and you know we will do our best to protect these sensitive programs.

Mr. FRANK. Thank you.

Mr. SIMPSON. Appreciate it. Thank you all for being here today.

Mr. FRANK. Thank you.

Mr. SIMPSON. You bet. Sheri Lee Williams, Fawn Sharp, Brian Patterson, and Ryland Bowechop, and T.J. Greene. Ready? Who wants to start? Would you like to start? Go ahead.

WEDNESDAY, MAY 4, 2011.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP, PRESIDENT

Ms. SHARP. Sure. I will start. Good morning. Chairman, members of the committee. On behalf of the Quinault Indian Nation, my name is Fawn Sharp. I am honored and pleased to be here today. I would like to begin my remarks by lending our support in our written testimony. Many of the issues that have been raised already today by other tribes we would like to draw your attention to both the IHS and BIA are recommendations that we do support before I get into the tribal specific requests.

Our first tribal specific request relates to the Blueback Restoration Project. This is a project that the Quinault Nation undertook a number of years ago in terms of planning the Upper Quinault Watershed that had been destroyed at the turn of the century and we have undertaken an effort to start phase one to restore the ecosystem and this is a project that we are extremely proud to take the lead in. We have been working with the residence of the Upper Quinault, State agencies, the counties, and federal agencies, so this is truly an example of governmental entities coming together with nonprofits and private citizenry to restore habitat that will most certainly provide an opportunity for us to bring back the Blueback Sockeye Salmon. It is a prized run that is unique to the Quinault Watershed. So we are very happy to continue with that effort.

We are moving into phase II of that project and we are seeking seven million that we will apply toward phase II. And we are pursuing a number of funding sources to reach that goal. But we have invested roughly \$150,000 at this point into the basic planning for that project and we will pursue private funding as well as state and federal funding. So we wanted to report our success there and I urge this committee to support our continued efforts as we get into phase II of that project.

The second issue that I would like to draw your attention to is the Quinault Nation's Comprehensive Strategic Drug Strategy. I have been here the last three years talking about our drug strategy at the Quinault Nation. This year we have added a unique component to that strategy that relates to national security and this is an issue that I really want to stress to the committee.

Over the course of the last year the Tribal Council task me with putting together a comprehensive approach to address an operating budget and strategy to step up enforcement. As I began to work into this issue I realized that the level of need is much greater than I ever imagined. I had reports that a tribal elder was driving from Akai home to Taholah through one of the logging roads and noticed a low flying helicopter out in the middle of a logging road

after midnight with—surrounded by cars. And a big spotlight and we know they were not having a picnic out in the middle of the woods on an abandoned logging road. I also receive reports from our crabbing fleet that they notice while crabbing this last year what appeared to be a mother vessel and a small high speed vessel traveling four or five trips at 45 knots an hour. I am not a nautical person, but I am told that 45 knots an hour is quite fast.

About two weeks ago our general manager of Quinault Land and Timber Enterprise who has been working in the woods for 30 years was in the northern part of our reservation near lands held by a non-Indian logging company Anderson and Middleton. They own about 11,000 acres to the northern part of our reservation. They noticed a newer model Mercedes Benz, black Mercedes again out in the middle of a logging road where they have no business conducting any activity. And at my last tribal council meeting, I stayed after hours and I was there until about three o'clock in the morning burning the midnight oil and returning from Taholah to Lake Quinault which requires me to travel up to the Moclips Highway, and I noticed a two trailer semi going into the interior part of our reservation off the Moclips Highway at 3:30 in the morning. So again, this is an issue that is absolutely critical to the Nation. The law enforcement that needs and Border Patrol protection needs that we see to effectively combat this problem clearly transcend BIA funding. And we are working with the Director of National Intelligence, Homeland Security, and the military to see what we might be able to do to step up that effort at the Quinault Nation.

So with my last 20 seconds, we do have an emergency preparedness request that we have set forth in detail as well as funding related to our forest management plan. But the most critical need that we have realized this last year does relate to drug and security protection issues. We have 27 miles of international border that is not being patrolled today by the Border Patrol Agency. So thank you.

[The statement of Fawn Sharp follows:]



Quinault Indian Nation

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TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2012 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE

BY FAWN R. SHARP, PRESIDENT
QUINULT INDIAN NATION

May 4, 2011

"The Great Spirit bestowed life to all of us...including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documents in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the nation and the world."

Joseph B. DeLaCruz, President
Quinault Indian Nation, 1972-1993

In the spirit of these profound words of our former President, I am honored to appear before this Committee on behalf of the Quinault Indian Nation and provide testimony on our priority requests and recommendations on the FY 2012 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Tribal Specific Priority Requests

- \$7 million a Year for Blueback Restoration – BIA (for 2012-2019)
- \$500,000 for Substance Abuse Strategy – IHS
- \$325,000 TO FULLY IMPLEMENT THE QUINULT FOREST MANAGEMENT PLAN (FMP)
- \$2.21 MILLION McBRIDE ROAD MAINTENANCE AND EMERGENCY RESERVATION EXIT

Local/Regional Requests and Recommendations

- Affiliated Tribes of Northwest Indians
- Northwest Portland Area Indian Health Board
- Northwest Indian Fisheries Commission

Self-Governance and National Requests and Recommendations:

Bureau of Indian Affairs

1. TPA General Increase - Provide \$82.9 million (10% increase over FY2010);
2. Contract Support Costs - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund;
3. Law Enforcement/Tribal Courts/Tribal Detention Facilities – Provide \$30 million over FY2010 levels; and,
4. Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance.

Indian Health Service

1. **Fully Fund Current Services** - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan;
2. **Contract Health Services (CHS)** - Provide \$118 million Increase for CHS;
3. **Contract Support Costs (CSC)** - Provide \$122 million for IHS to Fully fund CSC; and,
4. **Office of Tribal Self-Governance (OTSG)** - Increase \$5 million to the IHS OTSG.

We support all requests and recommendations of the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.

TRIBAL SPECIFIC REQUESTS JUSTIFICATION

\$61 MILLION BLUEBACK RESTORATION (\$7 million annually from 2012-2019)

The Blueback Restoration Program is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions.

The Quinault River Blueback (Sockeye Salmon) Restoration Program will help to restore the natural beauty and productivity of the Quinault River Basin to historic levels, thus making it a more attractive tourism destination. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River. The program will also benefit local residents and businesses by reducing the likelihood of flooding and property loss and increasing local economies both in the near and long term future. Implementation of the restoration program will help avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act (ESA).

This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River Basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

This is a long term project expected to take up to 20 years to complete structure placement and enhancement, including the engineering and material procurement, with full implementation occurring in the decades following as natural processes rebuild the habitat to historic conditions. Through successful efforts of this program, it will protect and restore the livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor and Jefferson Counties and the Quinault Indian Reservation.

The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington, thus improve the economic status of the families living in the communities within the Quinault Indian Reservation. The program will provide employment for 10-30 laborers and equipment

operators in Grays Harbor and Jefferson counties during the construction phases of individual projects. This project will reverse adverse environmental impacts by restoring habitats and ecosystems of the Quinault River and Lake Quinault while at the same time stabilizing the river channel in efforts to protect infrastructure and property loss.

The construction phase of this plan was implemented in the Fall of 2008 with the construction of 12 engineered log jams. With full funding as needed on an annual basis, the basic construction phase of this project is expected to be completed at the end of Fiscal Year 2019. Fertilization, data acquisition and monitoring will continue for many years.

\$500,000 SUBSTANCE ABUSE AND SECURITY STRATEGIC PLAN

The Quinault Indian Nation Substance Abuse and Security Strategic Plan seeks to improve, integrate, and strengthen the overall health and services to protect the communities on the reservation from the significant risks related to heroin and methamphetamine production, sale, and use by targeting enforcement, outreach, prevention, stabilization and harm reduction services to high risk-populations.

Heroin and methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Some of the major problems contributing to the spread of meth trafficking is the size and isolation of our communities, and jurisdictional issues related to law enforcement on Tribal lands. Tribal and local agencies are discovering that cooperation and collaboration represent a way to leverage resources to attack the threat of heroin and methamphetamine. Cooperative, inter-jurisdictional law enforcement efforts are the only way that Federal, Tribal, and state law enforcement agencies will be able to effectively combat methamphetamine.

During this past year, the Quinault Indian Nation identified border and security threats as an added component to our comprehensive substance abuse strategy. The Quinault Indian Reservation occupies 27 miles of international border along the Pacific Ocean. We believe drug traffickers have discovered our unpatrolled borders and the twenty-two points of entry via abandoned logging roads directly to U.S. Hwy 101. Our ocean fishermen have reported high speed vessels making multiple trips into Raft River, a system in a very remote location along our central coast. Following our meetings with the U.S. Border Patrol, we learned that our coastline is not a part their regular patrol routes. Our Resources Protection Officers and Police Officers have also received multiple reports of camouflaged persons exiting from boats onto our shore, while confirming no military operations were underway at that time. We have also received multiple reports of low flying helicopters both within the interior and along our coastline at odd hours of night and early morning.

The Quinault Indian Nation's Substance Abuse Strategic Plan is part of a broader more comprehensive alcohol and drug strategy that recognizes the need to plan for the future. The Nation has encouraged collaborative relationships among government departments, health authorities, professionals, community members and families to create conditions that **prevent** drug use, **treat** drug users, **educate** the public and hold offenders **accountable** and **control access** to supply while helping ensure safer communities. Most importantly, we have actively sought the guidance and wisdom of our elders and with the participation of our youth, community, churches and school districts we have undertaken a multidisciplinary approach and strategy, emphasizing prevention, enforcement, treatment and aftercare. Unfortunately, the best plans

prove valuable only when the funding is available to execute and implement the strategy. We have found that at every level and in every discipline, funding to support our strategy is appallingly inadequate. We stress the urgent need to reclaim our communities to protect our families, our elders and our next seven generations from this menacing and deteriorating drug on the Quinault Indian Nation Reservation.

\$325,000 TO FULLY IMPLEMENT THE QUINULT FOREST MANAGEMENT PLAN (FMP)

From time immemorial, the Quinault people have been deeply connected with the land, water systems, and forests. The Quinault Nation, with enthusiasm and tremendous hope for building a sustained economy, adopted a Forest Management Plan in 2001. However, recent budget reductions have brought our efforts in implementing the plan to a near standstill. We are entering a second phase of implementation and must evaluate the plan's effectiveness and our need to undertake adaptive management measures. However, with recent and impending reductions in natural resource funding, we are left with very little hope for implementing the plan as it was originally intended. Moreover, the Endangered Species Act (ESA) created unfunded mandates for the Quinault Indian Nation Forestry Management Program. We contend with ongoing issues, daily, due to a lack of funding and inadequate staffing levels. We urge you to be very cognizant of trust obligations and commitments to maximize tribal resources and restore funding levels to ensure that progress made, thus far, will continue to support a comprehensive and sustained management approach to reservation lands.

\$2.21 MILLION McBRIDE ROAD MAINTENANCE AND EMERGENCY RESERVATION EXIT ROUTE: BIA/ROADS MAINTENANCE PROGRAM

The Quinault Reservation is located in Grays Harbor County in the village of Taholah, Washington; a rural isolated and economically deprived area. The village of Taholah lies in a tsunami danger zone. The site of the village is barely above sea level and experts have determined that the sea level is rising because of global warming patterns. For Taholah, tsunami is a health and safety risk factor that we must live with everyday. The Quinault Reservation is interlaced with thousands of miles of roads that are left over from large logging contracts that ended in about 1980. Most of these roads do not have the required right-of-way and do not receive funding for maintenance.

The village of Taholah is accessible via SR 109 that parallels the Pacific Ocean. The McBride Road, a single forest road, is the only escapement route available to the 1,000 community members of the Quinault Indian Nation living in the village of Taholah. Its state of disrepair necessitates that immediate action be taken to bring the road up to a Class B gravel road status to be used in cases of emergency. The cost for this project is \$876,500 to repair 10.75 miles and could be accomplished within a 3-month time frame during dry weather conditions. The Project will create four new jobs in right-of-way acquisition and road engineering and will impact about 400 jobs of timber workers, fishermen, and fishing guides that rely on these roads for their livelihood.

Major portions of this route are at sea level. What is particularly important to understand is that the portions of this road above sea level are susceptible to mudslides. Three such mudslides have occurred in the past five years. In a single event, the road blocked access for 3 days. Medical needs for village people became an issue, while those in need of kidney dialysis were particularly affected. Some tribal members were able to evacuate the village by using another, longer alternate route. Still, this application is unsafe for use by the general public because the forest roads are not patrolled, well maintained, have limited signage and cell reception.

Mr. SIMPSON. Thank you. Sheri.

WEDNESDAY, MAY 4, 2011.

LUMMI INDIAN BUSINESS COUNCIL

WITNESS

SHERI LEE WILLIAMS, COUNCILWOMAN

Ms. WILLIAMS. Yes, good afternoon and I am very honored to be here today. I am a Lummi Nation Tribal Councilwoman. Also, I am the treasurer of the Lummi Commercial Company, and I also attend the Department of Interior Tribal Budgeting on a quarterly basis, and I am with the Department Area Indian Health Board. And so Mr. chairman, I am really honored to be here and present to the distinguished group of committee members today the appropriation priorities for the Lummi Nation for the upcoming 2012 budgets for the Bureau of Indian Affairs and the Indian Health Services.

And bullet points, our specific request of the Bureau of Indian Affairs are—we are requesting for \$2 million for Phase I. This is a new water supply system for our fish hatcheries, construction operation, and maintenance. Funding will be directed to increase the hatchery production, and make up for the shortfall we are experiencing in our wild salmon there in the Pacific Northwest. I would like to direct the BIA to work with the Lummi Nation and we can work together and increase our hatchery construction operations and maintenance funding, and direct the Department of Interior to fully fund the Indian Energy and Economic Development Workforce Development Division to continue its job training, development, work that has resulted in jobs.

Turning to the Indian Health Service we are requesting funds for a community based aids and HIV rapid testing system. And additionally, I know this is a large amount, but we are getting desperate because we are looking—we think it will take \$4 million and that is what we are requesting to combat the drug epidemic not only in the Lummi community but those communities around us.

Regional requests, the Lummi Nation is requesting that this committee support the affiliated tribes of the Northwest, Department Area Indian Health Board, the National Indian Health Board and the Northwest Indian Fish Commission. Nationally in the budgeting area the TPA—we are requesting an \$82.9 million increase, a general increase. And this is just 10 percent over the 2010 funding level. I would like to reiterate what those before me that sat at this table have said about the contract support costs.

We would like to have provided an additional \$50 million increase to BIA and \$112 million to the Indian Health Service to fully fund the contract support costs including the direct contract support costs and provide \$5 million for the Indian Self-Determination Fund. Law enforcement, tribal courts, tribal detention facilities provide \$30 million over the 2010 levels that were funded. And education provides \$24.3 million to fully restore the Johnson O'Malley Fund. And increase the funding for the Office of Self-Gov-

ernance to fully fund the staff and support the requests of NTAI and the National Indian Health Board.

You know our Lummi Nation is located in the Northwest with 5,200 tribal employees and we have drawn our physical and spiritual sustenance from the marine tidelands. And our fisheries are trying to survive. Because the salmon are gone our fishers are trying to survive on shellfish and that is not good because in 1999 we had 700 licenses fishers who supported nearly 3,000 tribal members and to date we have about 523. So that means that we have lost over 200 small businesses, more families because it takes more than one person to fish on a boat. We have really lost a significant amount of revenue which caused a lot of depression in our community.

And so specific requests to the Bureau again I reiterate the \$2 million. This is for the water supply system and that is for our hatcheries. \$300,000 for the Natural Resources law enforcement, and we have 1,846 square miles of marine area that our enforcement officers have to serve and 9,100 square miles of seeded lands that they serve. And that goes all the way from the U.S. Canadian border all the way to Mount St. Helens and throughout that whole area. We have to protect everything. That is our national resources and there again, I think I have kind of summarized it all, and so thank you very much.

[The statement of Sheri Lee Williams follows:]



LUMMI INDIAN BUSINESS COUNCIL

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**Testimony Presented by Sheri Lee Williams, Councilwoman
On Behalf of the Honorable Clifford A. Cultee, Chairman of the Lummi Nation
Before the House Interior, Environment and
Related Agencies Appropriations Subcommittee on the FY 2012 Budgets for the
Bureau of Indian Affairs and the Indian Health Service Programs
May 4, 2011**

Good morning and thank you Mr. Chairman and distinguished Committee Members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2012 budgets of the Bureau of Indian Affairs and the Indian Health Service.

Lummi Specific Requests – Bureau of Indian Affairs

- +\$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.
- +\$300,000 to increase the funding for the BIA Natural Resources Law Enforcement.

Committee Directive Requests

- Direct the BIA to work with Lummi Nation to insure that its needs related to the removal of wild stocks from the salmon available for harvest are met through increased hatchery construction, operations and maintenance funding.
- Direct the DOI to fully fund the Office of Indian energy and Economic Development, Workforce Development Division to continue its job training/development work that has resulted in jobs.

Lummi Specific Requests – Indian Health Service

- Request Funds for community based Aids/HIV Rapid Testing
- +\$4 million to combat Drug Epidemic in Lummi Community

Regional Requests

- Support the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission

National Requests

- TPA General Increase - Provide \$82.9 million (10% increase over FY2010) for General Increase
- Contract Support Costs - Provide \$50 million Increase for BIA and \$112 Million for IHS to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund
- Law Enforcement/Tribal Courts/Tribal Detention Facilities – Provide \$30 million over FY2010 levels
- Education – Provide \$24.3 million to fully restore funding to Johnson O'Malley (JOM)
- Increase funding to the Office of Self-Governance to fully staff the office
- Support the Requests if the National Congress of American Indians

BACKGROUND INFORMATION

The Lummi Nation is located on the northern coast of Washington State, and is the third largest Tribe in Washington State serving a population of over 5,200. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers are trying to survive from shellfish products. In 1999 we had 700 licensed fishers who supported nearly three thousand (3,000) tribal members. Today, we have about 523 remaining. This means that over 200 small businesses in our community have gone bankrupt in the past fifteen (15) years. This is the inescapable reality the Lummi Nation fishers face without salmon. We were the last surviving society of hunters/gatherers within the contiguous United States. We can no longer survive in the traditional ways of our ancestors.

LUMMI SPECIFIC REQUESTS – BUREAU OF INDIAN AFFAIRS

- **+\$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.**

The Lummi Nation currently operates two salmon hatcheries that support tribal and non-tribal fishers in the region. The tribal hatchery facilities were originally constructed utilizing Federal funding from 1969-1971. Predictably some of the original infrastructure needs to be repaired, replaced and/or modernized. Lummi Nation Fish Biologists estimate that these facilities are currently operating at 40% of their productive capacity. Through the operation of these hatcheries the Tribe annually produces one million fall Chinook and two million Coho salmon. To increase production, we offer a “phased approach” that addresses our water supply system. The existing system only provides 850 GPM to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. A new pump station and water line will cost the Tribe approximately six million dollars. We are requesting funding for the first phase of this project. Our goal is to increase fish returns by improving aquaculture and hatchery production and create a reliable, sustainable resource to salmon fishers by increasing enhancement.

- **+\$300,000 to increase the funding for the BIA Natural Resources Law Enforcement**
-Two new officers, extended training beyond the Police Academy, and one new patrol vehicle.

The Lummi people rely on several commercial fisheries for their livelihood and several non-commercial fish, game, fowl and natural plants for ceremonial and subsistence purposes. Lummi Natural Resource Officers patrol the Lummi Indian Reservation and all areas open to harvest within the Usual and Accustom (U&A) fishing grounds, and hunting and gathering areas of the Lummi Nation, as defined by the Treaty of Point Elliott (Treaty) and Federal Court cases interpreting the Treaty.

There are currently three Natural Resource Enforcement Officers (NREO's) and one Sergeant to patrol the 1846 square miles of marine area and 9145 square miles of the ceded lands. The

NREO's patrol from the Canadian Border to Mt. St. Helens; a distance roughly 300 miles north to south. The Natural Resource Officers patrol a vast area, with a large amount of Natural Resources to protect, including: shellfish, salmon, halibut, deer and elk, and other protected species. The NREO also respond to emergency oil spills and natural disasters.

Currently, the Lummi NREOs are only able to concentrate their patrol to the major Treaty concerns of fishing, crabbing, and shellfish harvesting. Other important enforcement activities include: halibut fishing, hunting, goosander harvests, derelict vessels and gear management, and monitoring protected species. The addition of two Natural Resource Enforcement Officers would mean that we could effectively patrol the U&A, enforce Tribal laws, and protect our natural environment.

To increase efficiency within the department and to promote safety of our officers, we request funds for training beyond the basic training that is given in the Academy. Our officers patrol in boats, ATVs, and motorized vehicles, and require proper training in operation and maintenance.

- **Direct the DOI to fully fund the Office of Indian Energy and Economic Development, Workforce Development Division to continue its job training/development work that has resulted in jobs.**

Unemployment on the reservation has been very difficult to address with limited on-reservation jobs. Tribal governments need to be able to meet the employment and training needs of our membership as well as the business development needs of our communities. We need financial assistance to enable our membership to get the job skills the local (Reservation and Non-Reservation) labor market demands. The Lummi Nation and many other Tribes worked well with the Office of Indian Energy and Economic Development. We developed and successfully implemented a welding training program with the support of both union and non-union companies. Now we hear that all employment and training funding has been eliminated from this office. We ask the Committee to direct the Bureau to replace the employment and training support activities that were provided by the Office of Indian Energy and Economic Development.

LUMMI SPECIFIC REQUESTS – INDIAN HEALTH SERVICE

- **Request Funds for Community Based Aids/HIV Rapid Testing**

Lummi Nation is requesting that all Tribal Health Systems, operating within the Indian Health Service, be provided with an annual allocation to support community based Aids/HIV rapid testing based on the population served. Lummi Nation is experiencing an epidemic of black tar heroin among its addicted members. This has increased the risk in our community for contracting HIV. We are seeking this funding on an emergency basis, to support implementation of rapid HIV Testing among all Tribal members.

- **+\$4 million to Combat Drug Epidemic in Lummi Community**

Drug abuse is at epidemic proportions on the Lummi Reservation. The proximity of the Lummi Reservation to the U.S. and Canadian Borders makes for a key ingredient in successful drug

trafficking. With that prime ingredient add production, transportation, distribution, abuse and drug related crimes...welcome to where I live and where my people are becoming prisoners in our own homes.

Our people are seeking a return to health through massive consumption of Lummi Nation Health Care resources. We have been successful in slowing the rate of death due to overdose suicides. We have increased the number of Tribal members receiving substance abuse treatment and mental health counseling by 300%. But we are not equipped to keep pace with the increasing access and use of heroin and other opiate additive drugs that have besieged our ports, borders, communities and citizens.

National Requests - Bureau of Indian Affairs

1. **TPA General Increase** - Provide \$82.9 million (10% increase over FY2010) for General Increase
2. **Contract Support Costs** - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-
3. **Determination (ISD) Fund**
4. **Law Enforcement/Tribal Courts/Tribal Detention Facilities** – Provide \$30 million over FY2010 levels
5. **Education** – Provide \$24.3 million to fully restore funding to Johnson O'Malley (JOM)
6. **Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance**

National Requests - Indian Health Service

1. **Fully Fund Current Services** - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan
2. **Contract Health Services (CHS)** - Provide \$118 million Increase for CHS
3. **Contract Support Costs (CSC)** - Provide \$122 million for IHS to Fully fund CSC
4. **Office of Tribal Self-Governance (OTSG)** - Increase \$5 million to the IHS OTSG

Thank you for this opportunity to provide these oral and written appropriations priorities of the Lummi Nation.

Hy'shqe.

Mr. SIMPSON. Thank you. Ryland.

WEDNESDAY, MAY 4, 2011.

MAKAH TRIBAL COUNCIL

WITNESS

RYLAND BOWECHOP

Mr. BOWECHOP. First of all, Mr. Chairman, we would like to associate and support the comments submitted by the Portland Area Indian Heath Board Inter-Tribal Timber Council, Northwest Fish Commission, and we would like to touch on three points. The first need for assistance for improvements of our jail. Mr. Modaff has been there. He knows that it is in pretty rough shape.

Mr. DICKS. To visit.

Mr. BOWECHOP. I am going to let that one float. Desire to deepen the harbor at Neah Bay for economic development, also to utilize that harbor for oil spill prevention on the coast. Any assistance from the federal government for helping us close the warm-house dump. It is an open landfill that we have been working to close for a number of years now and we are going to do it with your assistance.

As I stated, the jail is in pretty bad shape. We understand the moratorium that is in place on earmarks and we are working closely with staff to start filling out grant applications to justice departments, coordinated tribal assistance. And that is going fairly well. We always appreciate the letters of support. We are committed to improving the harbor in Neah Bay to help our economic development efforts. We are interested for example in shipping aggregate materials from our sand and gravel pit for use in regional construction projects. We were unsuccessful in our effort to secure Tiger Grants for waterfront planning and for replacing our dock, but we will continue to press our efforts.

We were disturbed to learn that the Administration has proposed to cut in half harbor maintenance in low use harbors as part of its 2012 budget request. In our case we want to deepen our harbor to greatly increase use of our harbor for the good of our community and the economy of our region. The shallow draft in Neah Bay harbor also poses a threat to marine safety. We have rescue tugs stationed in our harbor and other response vessels also called there. When the tide is low these vessels often are difficult in entering and exiting the marina.

Makah Tribe has taken aggressive steps to address the serious environmental and health risks posed by the warm-house beach dump, a decades old landfill located on the reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The dump is leeching harmful chemicals into a nearby stream which flows into the pristine waters of the Straits of Juan de Fuca, a traditional shell fishing location for the Makah people.

Frequent fires at the dump contribute to air pollution in the town of Neah Bay and the reservation community. Closing the dump is the Makah Council's top environmental priority. If any of

those chemicals get into the ocean it will not matter if the fish are clipped, unclipped, tagged, or untagged. They will be in bad shape. The tribe has documented that the Air Force which supported radar operations at Behokah's Peak from World War II through 1988 disposed of many hazardous substances at the dump since its opening in the 1970s including asbestos, batteries, pesticides, paints, and waste oil. Other federal agencies also disposed of their waste at the dump.

As a result of this legacy of waste disposal on tribal land, the federal government bears substantial responsibility for cleaning up the dump and preventing further exposure of the reservation community to the environment. Makah tribe has taken action to secure federal assistance for closing the dump through negotiations with Defense Department or possibly through the Federal Superfund Program. We have waited many years and tried many avenues to close this dump. We believe that our latest actions are a necessary last resort to protect the health of our citizens. We would appreciate this subcommittee's support of our efforts.

My written testimony also discusses other issues including the need to provide adequate contract support costs and the importance of tribal consultation regarding expansion of the Olympic National Park. Thank you, Mr. Chairman and members of the subcommittee.

[The statement of Ryland Bowechop follows:]

**Testimony of Ryland Bowechop,
Member, Makah Tribal Council**
Neah Bay, Washington

May 4, 2011

Before the
House Appropriations Subcommittee
On Interior, Environment and Related Agencies
On the Fiscal Year 2011 Budget

Good afternoon, Mr. Chairman and Members of the Subcommittee, I am Ryland Bowechop, a member of the Makah Tribal Council. First of all, Mr. Chairman, I want to congratulate you for the honor you have received by being named Chairman of this distinguished Subcommittee.

I would like to testify today on six priority issues:

- federal assistance for improvements to our decrepit community jail through the Department of Justice or other sources;
- the need for increased contract support cost funding from the Indian Health Service (IHS) for the administration of our Neah Bay health clinic;
- the role of tribes in implementation of federal ocean policy;
- our Tribe's desire to deepen Neah Bay harbor for economic development;
- assistance from the federal government for helping us close the Warmhouse Beach open dump on our Reservation; and
- the need for consultation with our Tribe and protection of our treaty rights as part of any effort to expand Olympic National Park.

Neah Bay Jail

The current Neah Bay Public Safety Correction Facility is totally inadequate, in size, capacity and design, for our community's needs. A BIA audit in 2001 found it non-compliant with almost all of the BIA's detention facility standards, and it has gotten worse since then. Inmates have been able to escape from the jail by kicking through decomposing walls and punching out window frames. The facility has serious plumbing and wiring deficiencies. The kitchen at the jail is no longer usable for preparing meals for inmates.

Our Tribe's long-term goal is to create a modern 911 Public Safety Complex above the tsunami floodplain. Our short-term goal is to repair the current facility by the most cost-effective means possible to meet minimum standards. We believe the best way to do that is by 1) purchasing a 60' by 53' modular unit that can be attached to the existing facility and house our inmates; and 2) making improvements to the existing building for administrative uses and to the adjoining grounds.

We were deeply grateful to this Subcommittee for including funding in your FY 2011 appropriations bill for improvements to this facility. As you know, that measure was never reconciled with the Senate and, by all accounts, FY 2011 appropriations will not include earmarks.

We have sought and will continue to seek grant funding for this project through the Justice Department's Coordinated Tribal Assistance Solicitation and the Correctional Facilities on Tribal Lands Program. We would appreciate the assistance of Congress in helping us secure funding for this program through grants or other funding opportunities. Such assistance will help us provide a correctional facility that meets the public safety and public health needs of our community.

Contract Support Costs

In 2006, the Makah Tribal Council assumed the administration of all direct health care services in Neah Bay through a self-governance compact agreement with the Indian Health Service (IHS). We signed that agreement with the understanding that, in the next few years, we would receive significant contract support cost (CSC) funding.

We appreciate the efforts this Subcommittee has made to address the serious shortfall in CSC funding. Our Neah Bay clinic has benefited substantially from increases in CSC funding in recent years. Those additional funds have enabled us to hire a fourth physician at our clinic, expand our behavioral health, mental health, dental and preventative health programs, and open a full-time fitness center.

We urge this Subcommittee not to back-track, but to build on and complete the good work done in recent years by providing 100 percent of CSC funding for self-governance health programs. By doing so, you will be complying with the letter and the spirit of the Indian Self-Determination Act as well as the recent Supreme Court decision on contract support costs.

National Ocean Policy

The Makah Indian Tribe is honored that our Tribal Chairman, Micah McCarty, was named by President Obama as a member of the Governance Coordinating Committee that will coordinate with the National Ocean Council on national ocean policy issues. By

naming him and two other tribal representatives to this Committee, the Administration has acknowledged the importance of tribal consultation in the setting of national policies.

We believe that tribes will be able to inform the National Ocean Council's efforts to eliminate waste and reduce the inefficiency resulting from the maze of dozens of different laws, policies and regulations affecting the oceans.

Neah Bay Harbor

The Makah Tribe is committed to improving the harbor in Neah Bay to help our economic development efforts. We are interested, for example, in shipping aggregate materials from our sand and gravel pit for use in regional construction projects. We were unsuccessful in our effort to secure TIGER grants for waterfront planning and for replacement of our dock, but we will continue to press our efforts.

We were disturbed to learn that the Administration has proposed to cut in half harbor maintenance in "low use" harbors as part of its FY 2012 budget request. In our case, we want to deepen our harbor to greatly increase use of our harbor for the good of our community and the economy of our region.

The shallow draft in Neah Bay harbor also poses a threat to marine safety. We have a rescue tug stationed in our harbor and other response vessels also call there. When the tide is low, these vessels often have a difficult time entering or leaving the harbor. Deepening our harbor could therefore also help prevent the loss of life and property from maritime incidents.

Warmhouse Beach Open Dump

The Makah Tribe is taking aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The Dump is leaching harmful chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfishing location for the Makah people. Frequent fires at the Dump contribute to air pollution in the Town of Neah Bay and the Reservation community. Closing the Dump is the Makah Tribal Council's top environmental priority.

The Tribe has documented that the Makah Air Force Station, which supported radar operations at Bahokus peak from World War II through 1988, disposed of many hazardous substances at the Dump since its opening in the 1970s, including asbestos, batteries, pesticides, paints and waste oil. For many years, other federal agencies with operations on the Reservation also disposed of their waste at the Dump. As a result of this legacy of waste disposal on tribal land, the federal government bears substantial

responsibility for cleaning up the Dump and preventing further exposure of the Reservation community to the environmental and health hazards caused by the Dump.

The Makah Tribe has taken action to secure federal assistance for closing the Dump through negotiations with the Defense Department or possibly through the federal Superfund program. We have waited many years and tried many avenues to close this dump. We believe that our latest actions are a necessary last resort to protect the health of our citizens. We would appreciate this Subcommittee's support of our efforts.

Olympic National Park

The National Park Service has proposed the purchase of 240 acres near Umbrella Bay of Lake Ozette to expand the size of the Olympic National Park. The Makah Tribe filed comments on this proposal that focused on the need for the National Park Service to engage in government-to-government consultation with the Makah Tribe regarding this proposed boundary expansion in order to ensure that it does not impair the treaty hunting and gathering rights of the Makah Tribe in this area. Our Tribe reserved the right to hunt and gather on "open and unclaimed lands" in the 1855 Treaty of Neah Bay.

Congressman Norm Dicks has consulted closely with our tribe and other tribes on possible legislation to expand the National Park. We appreciate his willingness to include a treaty savings clause in such legislation to ensure that our Tribe's existing treaty rights on these lands are preserved.

Thank you again, Mr. Chairman and Members of the Subcommittee, for this opportunity to testify before you today.

Mr. SIMPSON. Thank you. Brian.

WEDNESDAY, MAY 4, 2011.

UNITED SOUTH AND EASTERN TRIBES, INC.

WITNESS

BRIAN PATTERSON, PRESIDENT

Mr. PATTERSON. I say those words more for my benefit as I sit here with you. It is a greeting for peace, power, and righteousness of a good heart and a good mind as we greet the day. And so I say it for my benefit because we have been here before. I just came from a meeting where I first attended in 1994 and the issues have not changed and the approach has not changed and it is more of the same from Indian Country. At that 1994 meeting Chairman from the Northwest Ron Alan, who I called the Tireless Warrior, was giving a presentation and he was begging and pleading to not cut my TPA monies and it is the same issue today.

And so I think it requires a fresh approach from Indian Country to establish our agenda and begin to have those critical conversations to identify the need to advance those leadership to those critical issues. Certainly every issue I have heard in the past today—and I thought Indian folks were tough because we could sit in our council meetings all day and we could sit in ceremonies all day, but you guys I think might have us beat. I think you guys are tough. And so it is—

Mr. DICKS. You should look at H.R. 1.

Mr. PATTERSON. I will tell you. I will tell you. And but it is good to be in front of you. My English name is Brian Patterson. I have served my people for 20 years, Bear Clan Representative Oneidas Nation in New York. Congressman Dicks, I am in your territory now living in the State of Washington, the Northwest. It kind of feels like home, you know, to see this home away from home. We are longhouse people there—longhouse people. So I represent my people as Bear Clan Representative on council for 20 years. I am also President of the United South and Eastern Tribes, 26 federally recognized tribes, Texas to Florida, up to Maine. Certainly we have our issues. Chairman Simpson, I would like to recognize your leadership, the veteran leadership of this committee. Where would Indian Country be if we did not have that leadership in place?

But my concern and my thought is Indian Country really needs to demonstrate our capabilities to manage these issues and move them forward. I think as every issue I have heard today is paramount and the key to our survival. Education, health care, natural resource stewardship, the care take and culture heritage, our sovereignty, are our fundamental foundations that Indian Country has identified and advanced the need for countless generations.

So they are all priority issues. There is no one greater than the other. For United South and Eastern Tribes our top priority remains a clean legislative of—and I wish to recognize the work you did and the leadership this committee brought forward to push in last year a bipartisan approach to that as well as Congressman Cole's continued push and introduction this year. So we give our—

express gratitude to the work the committee is doing to bring a clean resolve to—that is our top priority.

As well as joining the rest of Indian Country in myriad of issues that are priority issues for us. I would like to just take a moment. Last time I sat with you guys—let me wrap on—has led to historical effort in my opinion—in the work that you did with the rest of Indian Country has put together a letter and I am going to have this resent to your staff so you can take a look at it. Really a historical letter where we have 25 Inter-Tribal organizations putting their signature on this to say this is a priority issue. In my life I have not seen an example of that.

But I think so I want to resend that to you and I kind of lost my place. I would much rather have my time in conversation with Indian Country and advancing our priorities, but I would make this point to you is that when we look at issues such as emergency response, those type of issues in my comment to the committee the last time I sat before you was that Indian Country needs to stand for Indian Country. We will find ways to assist and advance Indian Country priorities from within and we have begun that process. As an example, ATNI, Affiliated Tribes Northwest Indians, and USET signed a covenant. In part of that covenant is to address the common areas of priorities. A week and a half ago we had a historic tax summit hosted by the Miccosuki Band. National tribal leader meeting ATNI joined us. We invited them to join us and so we are taking charge of our agenda, becoming proactive. I think we owe it to the Joe Dellacrus, Divine Delorious, the Wendell Chinos, the Billy Franks who said—Billy Frank has a great quote where he says do not get tired. There is too much work to be done. We can sleep when we leave this earth. Too much work to be done. So I have been to every State in the Union.

I am now living in Washington State for two years. I followed my wife out in—we live in Spokane and I must say that it is the most beautiful State. And if Mount Rainier is a little too much for you, go to Yellowstone. But it is the most beautiful State. Quinault, Averred, Nisqually, Makah, it is just very awesome territory. And Congressman Dicks, there is a great book out by a Pulitzer prize winner that talked about your first governor and the atrocities and his approach in New York—in Washington State. Bittercreek it is called—an interesting read.

Mr. DICKS. I will get it.

Mr. PATTERSON. Yeah, it is an interesting read. But thank you. I think Indian country needs to be proactive in our own agenda rather than reactive from a D.C. landscape. And USET is leading that charge within Indian Country. Thank you for your time. Thank you for your veteran leadership.

[The statement of Brian Patterson follows:]

**Testimony of Brian Patterson, President
United South and Eastern Tribes, Inc.
before the
House Interior Appropriations Subcommittee
Wednesday, May 4, 2011**

FY 2012 Interior Appropriations Requests:

- **Include Carcieri “Fix” Language**
- **Generally Fund Indian Programs at a Level above the Rate of Inflation**

Chairman Simpson, Ranking Member Moran and members of the Subcommittee, my name is Brian Patterson. I am the president of the United South and Eastern Tribes, Inc. (USET). Thank you for this opportunity to present to you on the FY 2012 Budget and the budget priorities of USET.

The United South and Eastern Tribes, Inc. (USET), is an inter-tribal organization representing 26 federally recognized Tribes from Texas across to Florida and up to Maine. The USET Tribes are within the Eastern Region of the Bureau of Indian Affairs (BIA), covering a large expanse of land and area compared to the Tribes in other Bureau of Indian Affairs Regions. Due to this large geographic area, the tribes in the Eastern Region have great diversity.

I. The Constitution, Indian Tribes, Treaties and the Laws of the United States.

From the earliest days of the United States, the Founders recognized the importance of America’s relationship with Native nations and Native peoples. They wove important references to that relationship into the Constitution (e.g., Art. I, Section 8, Cl. 3 (Indian Commerce Clause); Article II, Section 2, Cl. 2 (Treaty Clause)). Natives influenced the Founders in the development of the Constitution as recognized by the 100th Congress, when the Senate and the House passed a concurrent resolution that “on the occasion of the 200th Anniversary of the signing of the United States Constitution, acknowledges the historical debt which this Republic of the United States of America owes to the Iroquois Confederacy and other Indian Nations for their demonstration of enlightened, democratic principles of government and their example of a free association of independent Indian nations;...” (S. Con. Res. 76, 100th Congress.) One has only to walk the halls of the Capitol to see many works of art and sculpture that depict, although sometimes in ways that are objectionable to Native peoples, the central role that Native nations have played in the development of America’s national identity. Not depicted on the walls of the Capitol are the many injustices that Native peoples have suffered as a result of Federal policy, including Federal actions that sought to erode Native learning and culture. Out of those injustices, and from other legal sources, there has arisen a Federal trust obligation to support Native governments and Native peoples.

The Indian provisions in the Constitution were given immediate life in treaties that the United States entered into with Indian nations beginning with the Treaty with the

Delaware in 1778 and continuing through an additional 373 treaties. Additionally, in the first decades of the United States, numerous laws were enacted addressing the details of the Federal-Tribal relationship (e.g., Trade and Intercourse Acts of 1790, 1793, 1796, 1799, 1802, and 1834), even as the Federal courts defined the Federal government's trust obligation to Indian nations (e.g., *Cherokee Nation v. Georgia* (1831)). Notwithstanding this Constitutional foundation, the Federal government engaged in many actions that betrayed the treaties and trust obligation to Indian nations, such as the seizure of Indian lands and the forced assimilation efforts of the Indian boarding school system, whose philosophy was captured by the founder of the Carlisle Indian School in the phrase "Kill the Indian in him, and save the Man." Fortunately, American greatness has led to more enlightened policies since the boarding school era, reflected in a host of laws that support tribal sovereignty and are critical to the vitality and well-being of tribal communities. Regrettably, these laws are rarely funded to the level necessary to achieve their intended purposes.

II. Carcieri "Fix." USET is very thankful to this Subcommittee for its strong support of the Carcieri "fix" in the last Congress. We look forward to working closely with you in this Congress to finally get that fix in place. USET was also very pleased to see that the Obama Administration has included language in its proposed FY 2012 budget that addresses the U.S. Supreme Court's 2009 *Carcieri v. Salazar* decision. The Court held in *Carcieri* that the Secretary of the Interior has authority to take land into trust under the Indian Reorganization Act of 1934 (IRA) only for those tribes that were "under federal jurisdiction" in 1934.

The Court's opinion is inequitable because it creates two classes of federally recognized tribes that would be treated differently under federal law – those that were "under federal jurisdiction" in 1934 and those that were not. The decision also opens the door to considerable confusion and potential inconsistencies concerning the status of tribal lands, tribal businesses, and important civil and criminal jurisdictional issues.¹

The Proposed Language is the Proper Response to *Carcieri v. Salazar*. The proposed IRA amendment is a direct and comprehensive response to the confusion generated by *Carcieri*. The proposal: (1) makes clear that the IRA applies to all federally recognized tribes; (2) ratifies previous actions taken by the Secretary under the IRA for any federally recognized tribe so that such actions cannot be challenged on the basis of whether the tribe was federally recognized or under federal jurisdiction in 1934; (3) impacts no statute other than the IRA; and (4) does not diminish or expand the Secretary's authority under any statute or regulation other than the IRA.

¹ These concerns are significantly heightened given the recent holding in *Patchak v. Salazar*, --- F.3d ---, 2011 WL 192495 (D.D.C. Jan 21, 2011) that the Quiet Title Act did not bar a challenge to the Secretary of Interior's decision to take land into trust for the Gun Lake Band that was raised on several grounds, including because the tribe was allegedly not "under federal jurisdiction" in 1934.

Simply put, the proposal does nothing more than restore the *status quo ante*. For nearly 75 years before the *Carcieri* decision, DOI and tribes throughout Indian Country consistently interpreted the IRA as applying to all federally recognized tribes. This proposal found strong support in the 111th Congress. Importantly, this same language was unanimously approved by that House Interior Appropriations Subcommittee late last year and included in the House-passed continuing resolution (H.R. 3082). The language is vigorously supported by tribal organizations across the country.

The “equal footing” doctrine compels Congress to enact this proposal. Congress amended the IRA in 1994 to clarify that all federal agencies must provide equal treatment to all Indian tribes regardless of how or when they received federal recognition. See 25 U.S.C. §476(f)-(g). This proposal is consistent with that amendment.

Also, action by Congress is needed to ensure permanent resolution of this issue. Although DOI may continue to acquire land in trust for tribes, any decisions to do so remain under the threat of *Carcieri*-based administrative and court challenges. Those who oppose tribal sovereignty will use *Carcieri* to challenge all trust acquisitions, even for tribes with long-standing treaty relations with the United States and clear federal recognition in 1934. Even lands currently held in trust for such tribes are now subject to challenge in court under the *Patchak* decision. Each of us is obliged to comb through years and volumes of historical records to establish a standard – “under federal jurisdiction” – that remains a moving target. This uncertainty undermines the very purpose of the IRA. Congress must provide Indian country certainty by enacting the proposed legislative fix.

Protecting Tribal Homelands and Promoting Self-Sufficiency. DOI has used the IRA to assist tribal governments in placing lands into trust, enabling tribes to rebuild their homelands and provide essential governmental services. Tribal trust acquisitions have also been instrumental in helping tribes protect their traditional cultures and practices. Equally important, tribal trust lands have also helped spur economic development on tribal lands, providing much needed financial benefits, including jobs, not only for tribal communities, but also the non-Indian communities that surround them.

Opponents argue that the *Carcieri* fix proposed here would lead to the proliferation of off-reservation Indian gaming across the country. That notion is wrong. The IRA’s land-into-trust process is legally distinct from determining whether Indian land is eligible for gaming. The Indian Gaming Regulatory Act (IGRA) generally prohibits gaming on lands placed in trust after 1988, making exceptions in extremely limited circumstances. DOI has promulgated strict regulations (25 C.F.R. Part 292) to guide the Secretary in determining whether Indian land meets an exception to the prohibitions set out in IGRA. Those with concerns over the expansion of gaming have every opportunity to oppose and possibly stop any off-reservation expansion under existing law and regulations.

Congressional Inaction Has Significant Consequences. Failing to enact the proposed amendment deprives tribal governments of important benefits that the IRA was intended

to provide. Inaction also threatens surrounding non-Indian communities that benefit from economic development on tribal lands.

Congressional inaction could also generate significant costs for the federal government. Until Congress addresses *Carcieri*, we should expect tribal opponents to frequently challenge pending trust acquisitions that the federal government must defend. Indeed, since the Court's decision, more than a dozen trust acquisitions have been challenged on this basis. The recent *Patchak* opinion compounds this problem. Taxpayers will bear the burden of such protracted and costly litigation. By contrast, the proposed amendment costs taxpayers nothing. It simultaneously eliminates the threat of significant litigation and mushrooming costs on the question of what "under federal jurisdiction" means.

Finally, *Carcieri* creates a significant threat to public safety on tribal lands. Upending decades-old interpretations regarding the status of Indian lands, *Carcieri* has thrown into doubt the question of who has jurisdictional authority over certain trust lands, and consequently casts doubt on federal prosecution of crimes committed in Indian country as well as civil jurisdiction. The proposed amendment alleviates this concern.

III. General Budget Considerations. While USET believes that *all* Indian programs are vital to creating strong Tribal Governments and healthy Tribal communities, and that Congress should protect and improve current base funding levels for all programs and provide for increases in excess of the inflation rate, the USET priority programs are: *Tribal Priority Allocations, Contract Support, Tribal Court, Scholarships and Cultural Resources.*

- **Tribal Priority Allocations (TPA).** Funding for the Eastern Region Tribes TPA needs to increase by at least \$9.4 million, even without considering our unmet historical needs.
- **Tribal Courts.** Currently, in the Eastern Region only 46% of the Tribes receive BIA funding for the operation of their Tribal courts. .
- **Scholarships.** Over the last several years, funding for BIA's post-secondary education programs has remained largely stagnant.
- **Contract Support Costs.** The FY 2012 President's Budget proposes a funding increase of \$21.5 million for Contract Support Costs over FY 2010/2011 CR levels. This proposed increase, coupled with previous years' increases, brings the BIA to 94% level of achieving this obligation. Other Bureaus within the Department of Interior, as with other federal agencies, have achieved their obligation of paying a 100% contract support costs to their non-native contractors; this obligation cannot be ignored when it involves tribal 638 contractors.
- **Cultural Resources.** Adequate funding for Tribal cultural resource programs is essential to the spiritual, health, social, and economic wellbeing of Tribal communities.

Conclusion. The work of this Committee is very important to Indian Country. Thank you for this opportunity to provide testimony. Please do not hesitate to contact me if you should have any questions.

Mr. SIMPSON. Thank you. I am shocked to hear that you have been to every State in the Union. You got that close to Idaho and chose Spokane. I mean, that—you know you could have been like 20 miles over and you could have been in God's country.

Mr. PATTERSON. Idaho is right out my picture window.

Mr. SIMPSON. I spent last week in Coeur d'Alene, in Spokane and did some things in Spokane.

Mr. DICKS. You can see it where you walk.

Mr. PATTERSON. And that is all I want.

Mr. DICKS. From your front window. From your front door.

Mr. PATTERSON. That is all I want.

Mr. DICKS. No, I did a trail with Speaker Foley that goes from Spokane right to the border. So maybe you can just keep it going, Mr. Chairman.

Mr. SIMPSON. Well, that is what needs to happen. I said I spent last week in Spokane and Coeur d'Alene and a little bit in Seattle, but beautiful country.

Mr. PATTERSON. Beautiful country.

Mr. SIMPSON. It really is.

Mr. DICKS. We did the world's fair in 1974 "Man living and playing in his environment."

Mr. SIMPSON. I went to it.

Mr. DICKS. I did the staff work for Senator Magnusson on that and the railroads gave us some great land. And Spokane has got one of the great features is a water fall right in the city. Where do you get that? I mean that is pretty neat.

Mr. SIMPSON. Do you have questions?

Mr. DICKS. I just wanted to say this is going to be a very difficult year. As you heard what I said before the budget resolution calls for more cuts in discretionary spending and we are discretionary spending. I am hoping that we can come to some agreement before we get to this debt ceiling vote where we can lay out a program that includes all aspects of the budget. But the other thing I got to tell you is we cannot do earmarks. So a lot of these things that we used to be able to do at least for the time being we are not able to do. So you are going to have to get the Obama Administration to put the critical things in they have to be in the President's budget. And that does not mean it is going to be enacted, but at least you have a fighting chance if it is in the President's budget. And so I just give you that advice. You know I have been here a long time and I have been on this subcommittee a long time and these are important programs. And the Indian Health Service, the BIA, law enforcement, education, higher education, you know these things are very, very important and the programs for your natural resources also are important.

You know we will do our best, but you know I think we have got to pick ourselves up and go find ways to do these things. And there are a lot of programs. I mean there is a lot of money still there that you can apply for. It is going to take people you know instead of just coming to Congress for earmarks. You are going to have to go to these agencies and work hard to try to get your projects funded that way. That is my advice.

Mr. SIMPSON. Well, and I will just echo what Norm said. It is going to be a tough year and one of the things we find out through

all these hearings while there are—you know it is kind of like the States. We always say no two States are the same. No two tribes really are the same. It is interesting to hear from the testimony that there are general issues that affect all the tribes, whether it is contract support and fully funding that or whether it is some of the other issues, but each tribe has unique issues to their tribe and that is what is kind of interesting to me. And as we have tried to address them in the past as Norm said through some of the earmarking process, we do not have that availability. Norm and I have been on the other side of that issue and unfortunately we have lost so far. But we are coming back. But we are more than willing to help you as we can when you have requests from the agencies if there are things we can do to help you out be sure and let us know because some of those unique issues on—that different tribes have are very important obviously.

Mr. DICKS. I just want to say one thing. The last time the Republican Party won the election back in '94, they did away with this hearing. I want to complement the Chairman, now that they are in the Majority, for having this hearing so that we, the members have a chance, and the tribes have a chance to come in and really tell us what the situation is. And I complement you for doing that.

Mr. SIMPSON. Thanks.

Mr. DICKS. It takes time, but I think it is time well spent.

Mr. SIMPSON. Thank you. I appreciate that. And it is—as I said at the end of last week or whenever it was when we had the public witness testimony, other individuals that came in and testified on other things within the Interior budget, sometimes I suspect people come in and they wonder if this really makes a difference. You spend a few minutes talking to us about—and I mean it is hard to wrap up everything in five minutes. It does make a difference because when we start to write a budget what you have said influences what we are able to do or what we know the need is. So while you may sometimes wonder how important this is, it really is important to us. So we do appreciate you taking the time to come in and talk to us and we will be doing this again next year and talking about hopefully not the same issues, but we will have addressed some of them.

Mr. PATTERSON. Did I mention—costs nothing.

Mr. SIMPSON. Yeah, it is and I appreciate you bringing that up. Mr. Cole was obviously very interested in resolving that as are many of us. We had it in the bill last year that just did not survive at the end. The CR at the end and—

Mr. DICKS. Yeah, this has to be fixed.

Mr. SIMPSON [continuing]. It has got to be fixed and we are going to be working on it, so—

Mr. PATTERSON. Indian Country may need an area of additional support from you to us. We are looking—we have a long term priority to reexamine the trust relationship, the trust platform from an Indian country point of view which in my hope will lead to Indian Country defining self-determination from our expectation and our vantage—our value. And so one step in that direction would be to develop an orientation for all new members coming in to sit down. You said as interested in pursuing this. We have a number of resources at Harvard through their executive program. I am an

alumni. My nation representative is an alumni. We have other chiefs, so we have resources. My nation sponsored a \$3 million chair for the Harvard Indian Law Program. So we have resources and relationships there. We would like to work to develop that.

And why I say that is because this Country should be outraged by the usage of the word Geronimo with Bin Laden. You know they could have called it anything else, but they equate it to one of our national heroes and there is tolerance for that. Mayor Bloomberg in New York City, get your cowboy hat. He told the New York State Governor, get your cowboy hat, get your cowboy boots, and get your shotgun, and get on through and get those tags from those Indians. The President golfed with him two weeks later. Not a word was said. If it was any other ethnic group, special interest, minority, there would be an outrage. But Indian country in our trust relationship we need to develop that relationship where we can have advocates who are outraged by this. My Seminole Tribe was equated to Al Qaeda tactics. It was silent. There was no response.

Mr. DICKS. I know. I am very glad you brought that up. I am on the Defense Subcommittee——

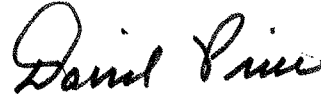
Mr. PATTERSON. Thank you, sir.

Mr. DICKS [continuing]. And I will raise this with the appropriate officials in the department.

Mr. PATTERSON. We would welcome that critical dialogue.

Mr. SIMPSON. Thank you all for being here today and thanks for attending the hearings.

The following statements were provided for the record by Members of Congress who did not present oral testimony at the public witness hearings



**Rep. David Price
Statement for the Record**

**House Appropriations Subcommittee on Interior, Environment and Related Agencies
Public Witness Hearing: Fiscal Year 2012 Budget Priorities
April 15, 2011**

First, let me thank Chairman Simpson and Ranking Member Moran for this opportunity to testify on the Fiscal Year (FY) 2012 Interior, Environment, and Related Agencies appropriations bill. Although I no longer serve on this Subcommittee, it has jurisdiction over a number of programs that are important to my district, to the state of North Carolina, and to the nation as a whole.

I want to begin by registering my grave concern about recent attacks on the Environmental Protection Agency (EPA), including drastic proposed budget cuts but also amendments that would undermine the agency's work on climate change, wetlands, air pollution, and other threats to the environment and public health. The EPA's mission is to carry out the laws that Congress has enacted, consistent with their interpretation by the courts, and if Congress believes these laws need to be changed then it should do so through the regular legislative process and not through appropriations riders. Moreover, few agencies have a better track record as a steward of public resources than the EPA. Looking solely at the Clean Air Act, EPA economists estimate that its total benefits have exceeded its costs 30 times over!

This being the case, the FY 2012 EPA budget request of about \$9 billion, which is more than 10 percent below the FY 2010 enacted level, is simply not sufficient – especially coming on top of a \$1.6 billion reduction in the final FY 2011 funding bill. I am pleased with the investments that the proposed budget provides in several key areas, including an increase for EPA enforcement efforts, and increased investments in climate science and related programs, including \$25 million for state carbon pollution reduction efforts. However, these increases would come at the expense of investments in other core areas of EPA's mission, including an overall cut to EPA's science and technology budget and significant cuts to a variety of grant programs upon which state and local agencies rely, at a time when state budgets are also being squeezed.

I am particularly concerned with EPA's proposed reduction of nearly \$1 billion to the Clean Water and Safe Drinking Water State Revolving Funds (SRF), which help maintain clean and healthy drinking water for all Americans. In order to meet our estimated \$390 billion backlog in water infrastructure needs, CBO estimates that we should be investing between \$13 and \$20.9 billion in wastewater treatment annually. Instead, the budget request provides only \$2.5 billion for the SRFs combined. I support funding the SRFs at least at the FY 2010 level in order to maintain our investment in clean water for all Americans.

These SRF funding cuts come on top of reductions to State and Tribal Assistance Grants, which provide another critical source of funding for local infrastructure needs. Local governments simply cannot afford to fund these expensive water and wastewater projects on their own, and I'm concerned that without adequate federal investments today, it will cost us much more to

replace and repair our crumbling infrastructure later. Similarly, I urge the Subcommittee to provide full funding (\$15 million) for the Safe Drinking Water Act's technical assistance authorization, which helps small and rural communities in North Carolina and nationwide comply with federal clean water regulations.

Finally, I oppose the proposed elimination of EPA's Diesel Emission Reduction Act program. This voluntary program provides state grants and loans for the installation of retrofits to reduce emissions from existing heavy-duty diesel vehicles and engines. Every state in the nation now has a diesel retrofit program that could benefit from this funding, and the program has been a demonstrated success, yielding \$20 in health benefits for every dollar spent.

Moving on to other areas of the bill, the President's FY 2012 budget demonstrates a continued commitment, which I share, to conserving and protecting our nation's public lands. Our public lands not only provide unparalleled outdoor recreation opportunities, but also generate \$730 billion in economic benefits annually. I strongly support the budget's proposal to fully fund the Land and Water Conservation Fund (LWCF) as part of the America's Great Outdoors Initiative. Over its 44 year history, LWCF has been funded at the congressionally authorized level of \$900 million only once. Yet today, we face an extensive and growing backlog of land acquisition needs in our national parks, wildlife refuges, and forests because there is simply not enough LWCF money to go around.

I am also pleased that the proposed U.S. Forest Service budget includes \$5 million for the Rocky Fork tract in Tennessee's Cherokee National Forest, which is highly utilized by citizens of North Carolina. Rocky Fork, the largest tract of unprotected land in the southern Appalachian Mountains and the Administration's highest acquisition priority, contains abundant natural, recreational, scenic and cultural resources along the Appalachian Trail. The proposed budget also includes \$3.576 million for the acquisition of several high-priority tracts in North Carolina, an outstanding investment in our state's resources that will help protect our great natural heritage, ensure the viability of our outdoor recreation economy and deliver ecosystem services. I strongly support full funding of both of these requests.

I also support the President's request of \$95 million for the State and Tribal Wildlife Grants Program, which provides states, territories, the District of Columbia and Indian tribes with resources to implement strategic wildlife conservation efforts. The initiatives funded by this program put thousands of Americans to work to remove invasive species, restore and protect habitat, reintroduce native wildlife and to work with private landowners to improve habitat for at-risk fish and wildlife. While states have primary responsibility for the management of fish and wildlife, it is in the federal government's interest to help them restore declining wildlife populations and prevent conflicts over federal endangered species listings.

Economic research and analysis shows that for every federal dollar spent on the national parks, a minimum of four dollars are added to the economy, supporting approximately \$13 billion in local private-sector economic activity and nearly 270,000 private sector jobs. While the proposed budget recognizes the importance of our national parks by proposing a slight increase

for the National Park Service (NPS), these numbers should not fool us into thinking this request is inflated. At a time when the NPS faces a maintenance backlog in the neighborhood of \$8 billion, the request would cut \$81 million from the NPS construction budget. I oppose this cut and support maintaining the NPS construction budget at its FY 2010 enacted level.

I am also concerned that the budget targets NPS' history-related programs, including a proposed elimination of the Save America's Treasures (SAT) and Preserve America (PA) programs and a 23 percent cut to the Historic Preservation Fund (HPF). I believe these cuts are short-sighted. These programs are effective economic development tools that create sustainable investments in historic and cultural resources throughout the country, including heritage tourism and educational services. I urge the Subcommittee to restore funding for SAT and PA and provide \$50 million for the HPF.

Unfortunately, several other national cultural programs are also at risk of being severely underfunded in FY 2012. The budget proposes reducing funding for both the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) to FY 2008 funding levels. NEA and NEH have long histories of funding worthy initiatives that have stimulated participation -- financial and otherwise -- from other public, private, and nonprofit sources and have helped make the arts and our cultural heritage more accessible to the American people. I support maintaining funding for each of these programs at the FY 2010 enacted level of \$167.5 million.

Overall, although I share many of the priorities presented in the Administration's FY 2012 budget, I am concerned that some of the proposed cuts to cost-effective programs will reduce critical assistance to states, cost thousands of jobs, and undermine our long-term competitiveness. I am aware of the many difficult choices your Subcommittee faces as it crafts its FY 2012 bill, and I support efforts to make thoughtful spending reductions where they are needed. But I also believe that we must not make short-sighted cuts that could end up costing America more in the long-term. Thank you for your consideration.

**Statement of The Honorable Pedro R. Pierluisi
Resident Commissioner, Puerto Rico
Before The House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2012 Appropriations for Environmental Protection Agency (EPA)
National Estuary Grant Program and
Clean Water and Drinking Water State Revolving Funds
Friday, April 15, 2011**

Good morning Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee.

I appreciate the opportunity to appear before you today to highlight the importance to Puerto Rico of three programs administered by the Environmental Protection Agency, all of which deal with a single issue: water. As the Subcommittee begins the process of making what I know are difficult decisions about which programs to fund—and at what levels—I respectfully ask that you give due consideration to those programs designed to improve water quality, drinking water and wastewater infrastructure.

First, I would like to underscore the significance to Puerto Rico of the National Estuary Grant Program, which is funded through the EPA Environmental Program and Management Account. This program supports the efforts of local communities and non-profit organizations to restore the physical, chemical, and biological integrity of nationally significant, EPA-designated estuaries and coastal watersheds. Through this program, water quality in these critical areas is improved and living resources—such as native fish, seagrass, mangroves and corals—receive the protection they need to function in the natural environment. The San Juan Bay Estuary Program is one of 28 individually-designated National Estuary Programs across the country. Our bay and its connected estuary system obtained this designation in 1992, in recognition of the environmental pressures resulting from urban expansion and associated contamination. San Juan Bay is the only national estuary located in a densely-populated, highly-industrialized, and ecologically-sensitive tropical environment. San Juan is among the oldest continually-inhabited cities in the world and restoring the health of San Juan Bay and the surrounding estuary environment is critical to preserving the city's rich history, ensuring that it remains a livable community, and protecting public health and tourism on the Island.

As the Subcommittee prepares its 2012 mark, I hope it will prioritize funding for the National Estuary Grant Program. For Fiscal Year 2010, the House-passed bill would have funded the program at \$28 million, but the final conference agreement funded the program at \$22.4 million—leaving \$800,000 for each of the 28 National Estuary Programs. The President's budget requests for Fiscal Year 2011 and Fiscal Year 2012 called for lowering that amount to \$600,000. Nonetheless, I urge the Subcommittee, at a minimum, to fund the program at the 2010 enacted level of \$22.4 million and hope it will consider funding the program at \$28 million, consistent with the House position in 2010.

In addition to the National Estuary Grant Program, I respectfully urge the Subcommittee to provide adequate funding for both the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. In Puerto Rico, EPA assesses the need for wastewater infrastructure improvements at \$4.7 billion and the need for drinking water infrastructure improvements at \$2.5 billion. With respect to wastewater management, Puerto Rico is among the U.S. jurisdictions with the greatest funding needs, measured both as an absolute number and on a per capita basis. With these grants, the Puerto Rico Aqueduct and Sewer Authority—like its counterparts in the 50 states—can upgrade its aging wastewater treatment infrastructure and bring safe drinking water to rural and urban communities alike. Without these grants, compliance with the Clean Water Act and the Safe Drinking Water Act is rendered more difficult and public health is placed at risk. Under the continuing resolution passed yesterday, the appropriations for these capitalization grants will be reduced by 30% as compared to Fiscal Year 2010 levels. I urge the Subcommittee to refrain from making any further reductions to these accounts and, instead, to restore funding, at a minimum, to the 2010 levels.

Thank you for your consideration of my views.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearings

Robert L. Bendick, Director, Government Relations, The Nature Conservancy
 Jay Farrell, Executive Director, National Association of State Foresters
 Marcia Galvin, Executive Director, Massachusetts Association of Campground Owners
 Richard Hawley, Executive Director, Greenspace-the Cambria Land Trust
 Paul R. Howe, Executive Director, Virginia Forestry Association
 Tom Martin, President and CEO, American Forest Foundation
 Joseph McCarthy, Senior City Forester, City of Chicago Department of Streets and Sanitation,
 Bureau of Forestry
 Leland Milstein, Program Director, Alliance for Community Trees
 Anand B. Persad, Regional Technical Advisor, The Davey Institute
 Dr. Cliff Sadof, Professor, Department of Entomology, Purdue University
 Carl P. Schulze Jr., President, National Plant Board

Monday, March 28, 2011

Written Testimony Regarding Fiscal Year 2012 Appropriation for the USDA Forest Service

**Submitted to the House Committee on Appropriations
 Subcommittee on Interior, Environment, and Related Agencies**

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an FY2012 appropriation of \$138 million for the USDA Forest Service Forest Health Management Program. This level is the same as the current level of funding. In addition, we ask that you provide the President's request of \$295,773,000 for the Forest Service Research program.

We recognize the importance of reducing government spending and taking other steps to reduce the deficit. However, forests and urban trees are a treasured and integral part of American life. Forested landscapes cover 1.15 million square miles in the United States. Every American derives some type of value from forested land, whether in the form of wood products for construction or paper, neighborhood amenities, wildlife habitat, carbon sequestration, or spiritual inspiration -- or the jobs associated with these values. The U.S. lumber and paper industries employ 1.3 million people. In Vermont alone, the maple sugar industry provides 4,000 seasonal jobs. Tourism based on fall foliage displays attracts one million tourists who annually generate \$1 billion in revenue in New England.

American forest ecosystems are under siege by a growing number of exotic forest pests. Close to 500 species of invertebrates and pathogens from other countries have become established in the country, and a new damaging pest is introduced, on average, every 2 to 3 years.

The USDA Forest Service' Forest Health program is the lead agency assisting other federal agencies, state agencies, and private landowners in their struggle to respond to this growing threat. USFS expertise is essential to the success of pest eradication and containment programs

implemented by the USDA Animal and Plant Health Inspection Service – including those targeting the Asian longhorned beetle, emerald ash borer, and sudden oak death. The USFS contribution becomes increasingly important when forest pests have become more widespread. Thus, USDA Forest Service Forest Health Protection provides the greatest proportion of the federal government’s efforts to mitigate the impacts of gypsy moth, hemlock woolly adelgid, white pine blister rust, Port-Orford-cedar root disease, ohia rust, oak wilt, and Erythrina gall wasp – among others.

The President’s requested funding level of \$120 million would necessitate cuts of forty to sixty percent in programs addressing highly damaging introduced pests that are already eliminating certain tree species from the forest, or threaten to do so.

- ***Emerald ash borer*** occupies more than 100,000 square miles in 15 states. More than 200 million ash trees in the Plains States and additional trees in the South are at risk to this pest. Homeowners and municipalities collectively will pay \$10 billion or more to remove dead ash trees that would otherwise fall and cause property damage or even loss of life. USDA Forest Service Forest Health Protection has helped states and municipalities prepare by conducting inventories of their ash resources and planning coordinated management steps.
- ***Hemlock woolly adelgid*** has killed up to 90% of hemlock trees in the Appalachians from Georgia to Massachusetts. Loss of hemlock groves threatens unique ecosystems and watersheds. USDA Forest Service Forest Health Protection has helped try to reduce the overall damage by supporting development and testing of biological and chemical control methods and supporting control efforts on remote infestations resulting from artificial movement.
- ***Thousand cankers disease*** of walnut threatens to eliminate black walnut trees from the forest. Black walnut’s greatest economic value comes from the wood. Top grade walnut is used for millwork and veneer; it is also exported. Medium grade wood is used in furniture, cabinetry, flooring, and other manufactured item. Lower grade walnut is used as sleepers (railroad ties), mine timbers, pallet parts and flooring. USDA Animal and Plant Health Inspection Service estimates the timber value of black walnut throughout its range at \$500 billion. In addition, although most walnuts sold in the U.S. for human consumption are from orchards of English or Persian walnuts, a thriving niche market for native black walnuts - centered on Missouri - harvests 25-30 million pounds every year. USDA Forest Service Forest Health Protection has helped try to reduce the overall damage by analyzing the risk to forests in the East and supporting states’ efforts to determine whether they already harbor outbreaks of this recently discovered pest.
- ***Goldspotted oak borer*** has killed between 20,000 and 50,000 California live oak and black oak trees in San Diego County in less than 15 years. The insect threatens oaks throughout California, including close to 300,000 oak trees growing in greater Los Angeles and trees in Yosemite Valley. USDA Forest Service Forest Health Protection has helped try to limit the spread of this insect by supporting delimitation of the outbreak, analysis of the risk to trees in California, and efforts to develop better detection tools.

USDA Forest Service Research and Development Program provides the science to help manage forest invasive species. While we accept the proposed four percent reduction in Research overall, we consider it vitally important to maintain—at approximately current levels—research aimed at improving detection and control methods for the emerald ash borer, hemlock woolly

adelgid, sudden oak death, thousand cankers disease, and other non-native forest pests and diseases. In addition, we strongly believe funds should be allocated toward research issues associated with the goldspotted oak borer.

- **Emerald ash borer:** USFS research continues on such crucial fronts as developing control methods (biological, chemical, and microbial); detection technologies (improved traps and lures); testing host resistance; silvicultural treatments; and integrated management of EAB via the SLAM pilot project (Slowing Ash Mortality).
- **Hemlock woolly adelgid:** USFS research continues on such crucial fronts as developing control methods (biological and chemical); testing host resistance and hybridization for incorporating resistance; analysis of spread and impacts of HWA; population dynamics of HWA including climatic drivers; and silvicultural treatments for coping with HWA.
- **Thousand cankers disease:** USFS research has sufficient funding to monitor for the walnut twig beetle (vector of thousand cankers disease) in only two states - Indiana and Missouri. The study will analyze all bark and ambrosia beetles trapped at selected sites as well as any fungi the beetles might be transporting, so as to better understand this growing risk.
- **Pathways of introduction and spread:** USFS research will continue evaluation of the efficacy of quarantine programs aimed at preventing transport of pests in various pathways, including wood packaging and firewood. These studies provided the scientific foundation for managing these pathways in the past.

Thank you for considering our views. We would be pleased to answer any questions you might have.

Testimony of Millard Jacob Myers
Executive Director
1854 Treaty Authority

The 1854 Treaty Authority is an inter-Tribal natural resource organization which implements the off-reservation hunting, fishing and gathering rights of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa in the area ceded to the United States in the Treaty of 1854. Our program is funded by a PL 93-638 contract with the Bureau of Indian Affairs (BIA), which is appropriated directly through the BIA's "Trust/ Natural Resource Management - Rights Protection Implementation." The 1854 Treaty Authority respectfully requests that congress fund this appropriation in FY2012 at the same level it was funded in FY2010 (\$30,451,000.00) in order to meet the increased cost of fulfilling our court-ordered responsibilities.

For background purposes, the Grand Portage, Bois Forte and Fond du Lac Bands are signatories to the Treaty of September 30, 1854, 10 Stat. 1109. In that Treaty the Bands ceded approximately 5,000,000 acres in northeastern Minnesota, reserving the right to hunt, fish and gather in that territory. For most of the 20th Century, those off-reservation rights lay dormant and unrecognized and Tribal subsistence activities were relegated to lands within reservation boundaries.

In 1985 the Bands went to Federal court seeking a declaratory judgment that the 1854 Treaty did indeed reserve these off-reservation rights and that the State of Minnesota had no authority to regulate tribal hunting, fishing and gathering in the ceded territory. In the course of that litigation, the Bands and the State entered into negotiations concerning the exercise of treaty rights in the ceded territory. The negotiations resulted in an agreement which was approved by both the Minnesota Legislature and the Tribal governments. The agreement was then entered as a consent decree in the Federal litigation such that the obligations of the parties are enforceable in court.

One of the Bands' obligations under the agreement and court order was to create a means by which the Bands could effectively regulate Band member activities. After the Fond du Lac Band exercised its right to opt out with notice, the two remaining Bands formed the 1854 Treaty Authority. To this day, the 1854 Treaty Authority is the entity responsible for management of the Bands off-reservation hunting, fishing and gathering rights.

The 1854 Treaty Authority employs ten (10) full time employees, consisting of an Administrative Division (3), a Resource Management Division (4) and an Enforcement Division (3). Two of the Resource Management positions are grant (temporary) funded. The organization is overseen by a Board of Directors comprised of the elected Tribal Councils of the Grand Portage and Bois Forte Bands. The 1854 Treaty Authority also has a Judicial Services Division which retains a judge to hear matters arising under the Tribal code.

The 1854 Treaty Authority is a shining example of cooperation as we gather and share biological information with state, federal, local, and other tribal governmental units. The 1854 Treaty Authority is authorized through a Joint Powers Agreement with the State of Minnesota to

enforce state natural resource laws over non-Tribal users and State Officers are authorized to enforce tribal law applicable to tribal users. The 1854 Treaty Authority has also conducted many natural resource improvement and research projects with the above-mentioned government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff. Up until FY 2010, we had not had an increase in base funding for our programs of any significance in many years, and in fact the base funding had decreased the previous seven funding cycles. Simultaneously, cost of living expenses increased at a regular rate, and some expenses have increased at an alarming rate (e.g. health and vehicle insurance, fuel, etc). Staff pay costs (wages plus benefits) combined with a decrease in base funding compelled the Treaty Authority to absorb all the cost increases internally at the expense of other programs and services. In 2007 we were unable to continue doing so and two vacated positions (one biologist and one enforcement) remain unfilled due to lack of funding. Of particular concern is the fact that our current enforcement staffing level (3 officers) is woefully inadequate to cover the 5 million acres of ceded territory.

I understand that this is not a unique situation, but at the same time the Federal government has a trust responsibility to protect and preserve treaty rights. Those rights will be jeopardized if the 1854 Treaty Authority cannot fulfill its obligations as an effective manager of treaty resources. We strongly believe that we can continue to be an integral and positive component of natural resource management in northeastern Minnesota. As history shows in the short 23 years of our existence we have been able to establish the Bands rightful place among all stakeholders and provide services that stretch beyond tribal benefit. In short, the work we do benefits all users and citizens of this region.

We are very thankful for the increase in FY2010 funding which enabled us to make up some of the shortfall which has plagued us in recent years. If we can continue to maintain funding at its current level, we can begin to look at ways to refill the two (2) vacant positions that are sorely needed to provide adequate services to the Tribes.

Finally, I would like to close with a sincere thank you for the years of funding which have enabled the Tribes success in this area, and especially the increase in 2010, and respectfully reiterate the request for congress to fund this appropriation in FY2012 at the same level it was funded in FY2010 (\$30,451,000.00) in order to meet the increased cost of fulfilling our court-ordered responsibilities.

If there are any questions or issues of clarification, please do not hesitate to contact me.

Respectfully Submitted this 28th Day of March, 2011.

Millard Jacob Myers

Millard Jacob Myers
Executive Director
1854 Treaty Authority

TESTIMONY OF

THE HONORABLE ALBERT KOOKESH, CO-CHAIR OF AFN

RALPH ANDERSON, CO-CHAIR OF AFN

JULIE KITKA, PRESIDENT OF AFN

LORETTA BULLARD, PRESIDENT, KAWERAK INC.
MEMBER BIA TRIBAL BUDGET ADVISORY COMMITTEE

GLORIA O'NEILL, PRESIDENT, COOK INLET TRIBAL COUNCIL INC.
MEMBER BIA TRIBAL BUDGET ADVISORY COMMITTEE

ALASKA FEDERATION OF NATIVES
ANCHORAGE, ALASKA

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

APRIL 12 AND 13, 2011 (NATIVE AMERICAN ISSUES)
B-308 RAYBURN HOUSE OFFICE BUILDING

Chairman Simpson, Ranking Member Moran and the honorable members of House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies thank you for the opportunity to submit written testimony commenting on the President's FY2012 federal Indian budget.

The Alaska Federation of Natives is the largest statewide Native organization in Alaska. Its membership includes nearly one-third of the federally recognized tribes in the United States. More specifically, AFN represents 178 villages, both federally recognized tribes and village corporations, 13 regional Native land owning corporations, and 11 regional tribal consortiums that contract and run federal and State programs.

Given the size, and remoteness of the State of Alaska, many of our federally recognized tribes have organized themselves under regional tribal consortiums to advocate for and achieve the economies of scale required to deliver tribal services under the federal trust responsibility of the United States to its first peoples, American Indians, and Alaska Natives. Of the 565 federally recognized tribes in the nation, 231 of them are located within the boundaries of the State of Alaska, and more Native people as a percentage of the total population live within the State of Alaska than any other State in the Union.

Alaska Native communities remain culturally rich and were not forcibly relocated or confined to reservations. Our traditional dependence on animal & plant resources continues to this day. Subsistence hunting and fishing provides not only food security, but supports our very way of life. While culturally vibrant, Alaska Native communities continue to face economic and social challenges that are reflected in concerning statistics.

In 2008, 20 percent of Alaska Natives had income below the poverty level. Rural communities in Alaska consistently experience official rates of unemployment as high as 25 percent, a rate that reflects the number of individuals in the workforce looking for a job. A more accurate picture can be described using "discouraged workers," those in the workforce not looking for a job (because no jobs are available), which the 2000 census estimated roughly at 70 percent. Alaska Native high school students graduate at a rate of 55 percent compared to 71 percent for their non-native counterparts. With approximately 40 percent of the Alaska Native population age 18 and younger there is a huge need for increased training and scholarship funding. Evermore troubling is that the Alaska Native suicide rate is as high as six times the national average in several regions of rural Alaska.

Bureau of Indian Affairs

Over the last decade, the BIA budget has increased in areas which tribes and tribal consortia located within the State of Alaska are not eligible to access (School Construction, Law Enforcement, Education funding, etc). For a number of years now, AFN has recommended funding increases to the Tribal Priority Allocation and Small and Needy Tribe line items within the BIA budget. It is only recently that we have begun to see success in our efforts. This last year, the Tribal Budget Advisory Committee (renamed recently to the Tribal Interior Budget Committee) recommended TPA General Increases and Small and Needy Tribes in their FY2012 budget priority recommendations.

We appreciate the President's Budget request of \$870.7 million for Tribal Priority Allocations, \$195 million request for contract support costs, and \$2.9 million dollar request for small and needy tribes. We urge the Subcommittee on Interior, Environment, and Related Agencies to support the 1994 BIA Budget Task Force recommendation that small and needy tribes in Alaska receive a base amount of \$200,000. In 1998, the recommendation to bring all Small and Needy tribes nationwide to \$160,000 was implemented. The recommendation (made in 1994) to fund Alaska Small and Needy tribes at the \$200,000 funding level still has not been implemented. We estimate that in order to fully fund the Small and Needy Tribes in the lower 48 at \$160,000 and in Alaska at the \$200,000 level, would cost \$8 million, an increase of \$5.1 million over the President's request.

We urge the Subcommittee on Interior, Environment, and Related Agencies to support increased TPA funding based on inflation and population adjustments. For example, the regional tribal organization that serves the Bering Straits provided an internal budget analysis over the last 10 years. Between 2000, and 2009, Kawerak found that total BIA funding had decreased by 22.3 % and that the consumer price index for Anchorage, the only CPI index kept in Alaska, increased 22.8% during the same time period. Furthermore, the cost of living differential is often 150 percent higher in rural Alaskan communities than in Anchorage. During that same time period, the Bering Strait Region tribal member service population increased by 10%. The cumulative effects of BIA TPA and Small and Needy tribes decreases leave tribes in our rural villages grossly underfunded in addressing the growing needs of their populations.

Health and Public Health Infrastructure

Roughly 25% of homes in rural Alaska are without sanitary sewer and water services. AFN is concerned with the President's decrease of \$18 million in the Sanitation Facilities Construction program within the Indian Health Service budget and strongly urges the Subcommittee on Interior, Environment, and Related Agencies that level funding with the FY2011 CR be included.

AFN supports the requests of the Alaska Native Tribal Health Consortium that funding be increased for the Village Built Lease Program to fully cover the operating costs of clinics in Alaska Native villages, increased funding for contract support costs, and funding for the implementation of the Child Sexual Abuse Prevention, and Domestic Violence and Sexual Abuse Prevention and Treatment programs authorized by the Indian Health Care Improvement Act, and funding the Indian youth tele-mental Health Demonstration Project.

Thank you very much for giving us the opportunity to submit this written testimony regarding the President's Fiscal Year 2012 Budget for Tribal Programs. We respectfully ask that this testimony be incorporated in the record.



ALLIANCE TO SAVE ENERGY

Creating an Energy-Efficient World

April 1, 2011

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U.S. Rep. Paul Tonko

The Honorable Michael K. Simpson, Chairman
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Simpson:

CO-CHAIR
Peter Dierke
PG&E Corporation
OFFICERS
Kateri Callahan
Alliance to Save Energy
Bob Dixon
Siemens Industry, Inc.
Frank Murray
NYSEDA
Robert Pratt
GreenerU

I am writing to express the strong support of the Alliance to Save Energy for the President's budget request of \$55 million in FY2012 funding for the Environmental Protection Agency's ENERGY STAR program. For well over a decade, the ENERGY STAR program has greatly helped businesses, governments, and consumers across the country to save money each year by investing in energy efficient products.

DIRECTORS
Frances Beinecke
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Consumer Federation of America
Jorge Carrasco
Seattle City Light
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Whirlpool Inc.
Susan Tierney
Analysis Group
William Von Hoene
Eaton Corporation
Lynda Ziegler
Southern California Edison

The program currently has partnerships with more than 20,000 private and public sector organizations, who have invested a combined total of \$80 billion to help to deliver technical information and tools that consumers need to choose energy-efficiency solutions and best management practices. ENERGY STAR counts more than 5,000 builder partners and partners who supply products and services for energy-efficient home construction. More than 840,000 families now live in ENERGY STAR Homes – locking in financial savings for homeowners that amount to more than \$200 million annually.

ENERGY STAR's track record of success and cost-effectiveness throughout the years has demonstrated the worth of the program. The EPA estimates that for every federal dollar spent on ENERGY STAR, \$75 or more in consumer energy bills is saved and about 3.7 tons of carbon dioxide emissions are avoided. In 2010 alone, Americans, with the help of the ENERGY STAR program, saved nearly \$18 billion on their utility bills. Further investment by the government to break down market barriers that currently hamper the purchasing of energy efficient products will achieve even greater results, which is why we are asking for your support for the President's request for a 6% increase in the FY2012 budget for EPA ENERGY STAR to \$55 million. A modest increase in funding would be effectively directed at the following areas:

- **ENERGY STAR Product Labeling.** Individual product choices are a significant driver of total national energy use. While the ENERGY STAR product labeling program already encompasses more than 60 product categories across 3,000 manufacturers, there remain a substantial number of *new* products that can be added in the future.
- **ENERGY STAR New Home Construction.** Expanding the number of ENERGY STAR qualified new homes is an essential part of a comprehensive approach reducing energy demand in the country. More than 1 million ENERGY STAR qualified homes have been built in the United States, with over 100,000 constructed in 2009 alone - representing more than 20 percent of the total U.S. housing starts.
- **ENERGY STAR Existing Home Improvements.** In 2009, over 23,000 existing homes were retrofitted from Home Performance with ENERGY STAR with more than 30 program sponsors across 28 states. Additional funding would expand the number of communities where these services are offered and the savings that result, helping to grow these energy efficiency services to be nationally available.

- **ENERGY STAR New Commercial Building Construction.** Improving the efficiency of new commercial and institutional building construction is an essential part of a comprehensive approach to reducing energy demand and addressing climate change, due to the expected expansion in the commercial building industry. As part of ENERGY STAR, EPA has developed a new construction program enabling more than 3,900 commercial buildings to earn the ENERGY STAR approval in 2009, and a cumulative total of almost 9,000 buildings.
- **ENERGY STAR Industrial.** EPA's ENERGY STAR program recognizes the incredible potential of the U.S. industrial sector for energy savings. EPA benchmarked energy performance in 2009 in the industrial sector, which indicated that fuel use has improved by 12 percent. Additional resources could be used to expand the program to represent the top 25 to 30 energy-using sectors across the country, and to develop streamlined assistance tools for smaller industry.

The ENERGY STAR program in the past year has taken a number of initiatives to improve the administration and accountability of the program. EPA ENERGY STAR helps consumers reduce high energy bills, promotes economic growth through investments in new technologies, reduces pollution in a cost-effective way, and enhances the reliability of our electric system by reducing peak demand. We strongly urge you to fund the President's request and provide \$55 million for the EPA ENERGY STAR program in FY2012. Thank you for your time and I ask that this letter be submitted as part of the record of your Subcommittee's hearing on the FY2012 EPA budget.

Sincerely,



Brad Penney
Director of Government Relations
The Alliance to Save Energy



AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS
Geoscience & Energy Office – Washington, D.C.

Written testimony submitted to:
**House Appropriations Subcommittee on
Interior, Environment, and Related Agencies**
in support of U.S. Geological Survey programs

by

David G. Rensink, President
American Association of Petroleum Geologists

To the Chair and Members of the Subcommittee:

Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has nearly 34,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

Geologic Resource Assessments

Energy Resources Program

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, methane hydrates, geothermal, oil shale, and bitumen and heavy oil. ERP also conducts research on the environmental, economic, and human health impacts of the production and use of these resources. This research provides both the public and private sectors with vital information.

The President's FY2012 budget request reduces ERP's energy resources activities by \$2 million. AAPG does not support this reduction. The President's request also includes \$3 million for ERP to participate in the New Energy Frontier (wind) initiative. If Congress wishes to fund the New Energy Frontiers initiative, it should provide supplemental funds to do so.

AAPG encourages the subcommittee to fund the Energy Resources Program activities at \$27.3 million, and provide an additional \$3 million to fund ERP's participation in the New Energy Frontier initiative if Congress chooses to fund this activity.

Mineral Resources Program

The United States is the world's largest consumer of mineral commodities. They form the building blocks of our economy.

It is therefore essential to this nation's economic and national security that the federal government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector.

The USGS Mineral Resources Program (MRP) is the only federal and publicly-available source for comprehensive information and analysis of mineral commodities and mineral materials. Yet, the President has proposed reducing this program's funding by 18% to \$44.2 million. AAPG does not support this reduction.

AAPG encourages the Subcommittee to fund the Mineral Resources Program at \$53.7 million, equal to FY2010 appropriated levels.

Core Science Systems

National Geologic and Geophysical Data Preservation Program

The National Geological and Geophysical Data Preservation Program (NGGDPP) was authorized in Energy Policy Act of 2005 (EPACT 2005, P.L. 109-58) Sect. 351. The program is designed to **preserve geological, geophysical data, and engineering data, maps, well logs, and samples**. It includes development of a national catalog of this archival material, and providing technical and financial assistance related to the samples and materials.

NGGDPP is a cost-shared partnership between the state geological surveys and the USGS. It was authorized for \$30 million annually, but since inception has received insufficient funding to accomplish all of the objectives set out in the authorizing language.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions these data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But these data still has value to society and the state geological surveys have stepped in to preserve it. These data are valuable for further natural resources exploration and development, management of water resources, carbon sequestration research, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is

the type of data that will enable future generations of scientists and policy makers to address the nation's energy, environmental, and natural hazard challenges in the years ahead.

Historical allocations for this program have ranged from \$750,000 to \$1,000,000 per year. These funding levels are inadequate to achieve the program's objectives.

AAPG encourages the Subcommittee to appropriate at least \$1 million in FY2012 for the preservation of geological and geophysical data, and consider higher funding levels.

Geologic Landscape & Coastal Assessments

National Cooperative Geologic Mapping Program

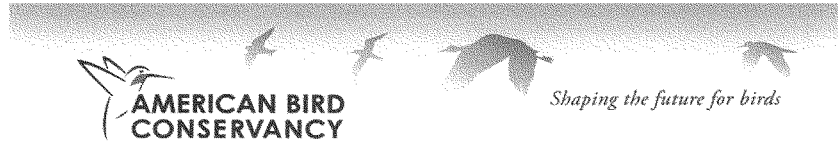
AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the federal and State governments and the university community further demonstrates the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG encourages the Subcommittee to fund the National Cooperative Geologic Mapping Program at a minimum of FY2010 levels of \$28.2 million.

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

Please contact me through our local office at 202-684-8225, fax 703-379-7563, or 4220 King Street, Alexandria, VA 22302.



March 28, 2011

The Honorable Michael Simpson
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable James Moran
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Simpson and Ranking Member Moran:

American Bird Conservancy (ABC) is a 501(c)(3) national non-profit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC is the only U.S. based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere.

As you know, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oceans. Unfortunately, according to the U.S. Fish and Wildlife Service's 2009 *State of the Birds Report*, many of our bird species are in decline and some are threatened with extinction making it more important now than ever to continue funding federal programs like the Neotropical Migratory Bird Conservation Act grants program, Joint Ventures, and the North American Wetlands Conservation Act which have been proven and effective in maintaining healthy and abundant native bird populations.

Funding federal bird conservation programs not only provides ecological benefits, it makes good economic sense. Birds are also a very important economic driver. According to a report put together by the federal government, Americans spend about \$36 billion in pursuit of birding activities every year. Approximately one in five Americans - 48 million people - engages in bird watching, and about 42 percent travel away from home to go birding. Birding activities also generate about \$4.4 billion in federal tax revenues. Birds also naturally provide billions of dollars worth of pest control each year benefiting farmers and consumers alike.

American Bird Conservancy's report, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act*, found that of our 341 species that are neotropical migrants - meaning birds that breed in the United States and Canada and winter in Latin America and the Caribbean - 127 are in decline. Sixty of those species, including 29 songbirds, are in severe decline having lost 45% or more of their population in the past 40 years.

If these trends continue, future generations of Americans may never be able to see a bright blue Cerulean Warbler, Bell's Vireo, or Black-chinned Sparrow.

This trend can be seen all throughout the country. Here in Washington, D.C. for example an annual census of birds in Rock Creek Park that started in the 1940s, found that the number of migratory songbirds breeding there has dropped by 70% over the past half-century. Three species of warbler (Black-and-white, Hooded, and Kentucky) no longer breed there at all.

The main reasons for these precipitous declines are well established and reported in the 2009 State of the Birds Report: The largest source of bird mortality is due to habitat loss through conversion for human uses. Resource extraction and a growing human population have resulted in more development and land conversion for suburban sprawl so there are simply fewer and fewer large blocks of unbroken habitat for our native birds.

The second major impact is from habitat degradation from ecologically harmful land uses, such as unsustainable forestry or destruction of grasslands to create farm land. Deforestation, especially in Latin America, is accelerating at an alarming rate, driven by the needs of the rapidly expanding human population, which has tripled from 1950-2000. Estimates of the percentage of remaining forests that are lost each year in the Neotropics are between 1-2%.

Neotropical Migratory Bird Conservation Act (NMBCA)

To address these two problems – habitat loss and degradation, both of which are rapidly increasing south of our border – ABC respectfully suggests that Congress act to help mitigate their impact by continuing to fund the Neotropical Migratory Bird Conservation Act grants program at the highest level possible. As the Subcommittee knows, the Neotropical Migratory Bird Conservation Act supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

The NMBCA grants program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of Neotropical birds that populate America and the Western Hemisphere. The public-private partnerships along with the international collaboration they provide are proving themselves to be integral to preserving vulnerable bird populations. Between 2002 and 2010, the program supported 333 projects, coordinated by partners in 48 U.S. states/territories and 36 countries. More than \$35 million from NMBCA grants has leveraged over \$150 million in matching funds and \$7 million in nonmatching funds. Projects involving land conservation have affected about 2 million acres of bird habitat. While there are over 100 worthy proposals received each year, the program is oversubscribed with funding only available to fund about 40 projects. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program. ABC strongly believes expanding this program is essential to achieving conservation goals critical to our environment and economy. Just as importantly, this federal program is a good value for

taxpayers, leveraging over four dollars in partner contributions for every one that we spend. ABC respectfully requests that NMBCA be funded at \$6.5 million for FY 2012.

Joint Ventures

Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies. In FY 2010, every dollar appropriated for Joint Ventures leveraged more than \$30 in non-federal partner funds. ABC respectfully requests that JVs be funded at \$15 million for FY 2012.

ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these federal programs are good values for taxpayers, leveraging over four and thirty dollars respectively in partner contributions for each one that the taxpayers spend.

North American Wetlands Conservation Act (NAWCA)

The NAWCA has helped conserve wetlands in North America for more than twenty years by providing funding for conservation projects that benefit wetland-associated migratory birds in all 50 states, Canada, and Mexico. NAWCA which has a proven track record of success leveraging over \$3.4 billion in matching funds affecting 26 million acres through the work of more than 4,440 partners and has fostered public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality. For every dollar of money invested in the program, an average of 3.2 dollars is raised to match the federal share by non-federal entities.

As an organization that works with migratory birds, which by definition cross international borders during their migration patterns, we know that protection and restoration of wetland and upland habitat must occur across the continent if the goal is to protect the species. As a result ABC respectfully requests that NAWCA be funded at \$50 million for FY 2012.

America faces a serious challenge to reverse the decline of many of our bird species, but it is possible. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that Congress must act now to reverse it. If these reports tell

us anything, it is that when we apply ourselves by investing in conservation, we can save imperiled wildlife, protect habitats, and solve the multiple threats at the root of this problem.

Sincerely,

A handwritten signature in dark ink, reading "Darin Schroeder". The signature is written in a cursive, flowing style.

Darin Schroeder
Vice President for Conservation Advocacy

**American Forest & Paper Association
Elizabeth VanDersarl, Vice President, Government Affairs**

**Statement Submitted for the Record
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
March 28, 2011**

Introduction

The American Forest & Paper Association is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 5 percent of the total U.S. manufacturing GDP. Industry companies produce about \$175 billion in products annually and employ nearly 900,000 men and women, exceeding employment levels in the automotive, chemicals, and plastics industries. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 47 states.

Declining federal timber harvests have adversely affected many rural communities, resulting in thousands of jobs lost. Actions are needed to restore and increase federal timber harvest to help ensure adequate fiber supply and address forest health priorities. Within the jurisdiction of this committee, we urge you to direct the U.S. Forest Service (USFS) to help sustain the forest products industry and the vital jobs it supports. Specific recommendations follow.

National Forest System, Forest Products

The President's Budget Request for the National Forest System (NFS) proposes an "Integrated Resource Restoration" account (IRR), incorporating NFS programs previously funded under several line items into a single \$864 million dollar line item. Combining these line items reduces the accountability of the agency and makes it difficult for Congress to perform its oversight duties; AF&PA opposes the combination without further clarification by USFS. AF&PA understands the Administration's desire to "accelerate the refocusing of national forest management to forest ecosystem restoration project work, including global climate change adaptation and mitigation." However, we do not feel that specifically delineating \$80 million within the IRR for Priority Watershed Projects is appropriate without further explanation of how this fund would be used. We also question why the Administration has designated \$40 million for the Collaborative Forest Restoration Fund (CFLRF); the CFLRF originally was intended to be funded with "new" money, not through diversion from other program funding.

To create forest industry jobs, more federal timber should be made available for sale. At a time when most Americans are concerned about jobs and the economy, studies indicate that the USFS timber sale program could produce over 6,000 direct and indirect jobs with an annual infusion of \$57 million into the forest products line item while improving the health and reducing the fire risk of forest ecosystems.

National Forest System, Hazardous Fuels Reduction

As we have testified in previous years, hazardous fuels reduction is essential to the federal forest health restoration effort and AF&PA supports maintaining the program at the FY 2010 enacted level (\$340 million) for this vital program. We also urge the subcommittee to instruct the USFS to implement these projects in forested stands, using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry can and does play a key role in reducing hazardous fuels from federal lands as evidenced by the fact that mechanical hazardous fuel reduction costs are frequently significantly lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

We also continue to believe the agency must move away from using “acres treated” as the sole metric of accomplishment in the hazardous fuels reduction program. Exclusive focus on this measure incentivizes the agency to treat low priority acres repeatedly and discourages the treatment of higher priority forested acres in Condition Class 3. More aggressive pursuit of mechanical treatments, including more frequent use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber and — more importantly — longer-lasting and more meaningful positive impacts on the long-term fire problem.

Forest and Rangeland Research

Forest Inventory and Analysis - Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. The Forest Inventory and Analysis (FIA) program within Forest Service Research and Development (R&D) is the backbone of our knowledge about the nation’s forests, and is a vital technical resource that allows assessment of the sustainability, health, and availability of the forest resource. FIA is utilized by a large swath of stakeholders interested in the state of America’s forests: forest resource managers at mills, land managers, conservation groups, and State and Federal agencies all look to the program for data about our nation’s forests. We are concerned that the Administration is proposing to cut funding (\$5 million) for this vital program. The Administration has demonstrated an

interest in a sustainable renewable biomass industry through actions in many agencies. With an increased focus on utilizing woody biomass for renewable energy and others products, we do not understand why the Administration is proposing to cut funding for the very program that allows managers to determine sustainability of the forest resource? We oppose these harmful cuts to this valuable program.

The Forest Resources Information and Analysis (FRIA) program under the Cooperative Forestry budget compliments the FIA by providing cost-share assistance through State contributions to the FIA program. This assistance allows states to improve the ongoing FIA assessments offered through R&D by improving sampling resolution, increasing sampling frequency, and tailoring assessments to address State-specific forest resource needs. Completely cutting FRIA would hinder the abilities of States to implement Renewable Portfolio Standards while ensuring the sustainability and productivity of forests.

AF&PA requests funding levels for these programs of \$67 million for the FIA program and \$5 million for the FRIA program, which would allow the USFS to cover the majority of U.S. forest lands, expedite data availability and analysis, and support our growing data needs in the areas of bioenergy and climate mitigation.

We also recommend increased funding within the Forest Service Research & Development (R&D) program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, USFS funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. In particular, we encourage greater support for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

State and Private Forestry

AF&PA applauds the Committee's sustained support for USFS State and Private Forestry programs. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. USFS State and Private Forestry programs protect these resources from threats beyond the capability of small landowners to combat effectively. Therefore, **we urge funding at no less than their FY2010 enacted levels of \$49 million for Cooperative Forest Health, \$39 million for Cooperative Fire Assistance, \$29 million for Forest Stewardship, and \$76 million for Forest Legacy.**

International Forestry

AF&PA's believes that full and effective implementation and enforcement of the 2008 Lacey Act amendments will reduce the destructive impacts of illegal logging on tropical forests, enable American forest product companies to compete on a level playing field, and contribute to cutting of global greenhouse gas emissions – reduced deforestation and sustainable forest management practices. A 2005 AF&PA report on illegal logging found that up to 10 percent of global timber production could be of suspicious origin and that illegal logging depresses world prices for legally harvested wood by seven to 16 percent on average. The report also calculated that if there were no illegally harvested wood in the global market, the estimated value of U.S. wood exports could increase by over \$460 million each year.

The USFS International Forestry program lends critical technical assistance for Lacey Act implementation and to improve sustainable forest management practices in developing countries, which helps reduce illegal logging overseas. The International Forestry program has been completely cut from the Administration's FY 2012 budget. Although the Administration claims the USFS will conduct its highest priority international work under existing USFS authorities, it is unclear if funding for Lacey-related activities will continue to be available and from where it would be derived. Despite a budget allocation for USDA's Animal and Plant Health Inspection Service (APHIS) Lacey Act account in the President's FY 2012 for the first time (\$1.5 million), **AF&PA believes cuts to the International Forestry accounts could be detrimental to full Lacey Act compliance and enforcement efforts, and advocates funding the International Forestry program at FY 2010 levels (\$10 million).**

**Statement of Tom Martin, President
American Forest Foundation
For the House Appropriations Committee
Subcommittee on Interior, Environment and related Agencies
March 28, 2011**

The American Forest Foundation (AFF) urges the Subcommittee, even in this tight budget climate, to maintain funding, at Fiscal Year 2010 levels, for programs that support good stewardship of the nation's 265 million acres of family-owned forests that will keep these forests healthy and productive. Investments in US Forest Service programs, the Forest Stewardship Program, Forest Health Program on Cooperative lands, State Fire Assistance, and Forest Inventory and Analysis, will help family forest owners get ahead of increasing insect infestations, wildfire threats, and development pressures, saving landowners and the communities and industry that rely on these forests, from expensive restoration in the future. Additionally, we urge continued funding support for the Environmental Protection Agencies' Office of Environmental Education, which invests in the future—our children—ensuring the next generation is well prepared to manage and care for our natural resources.

We understand the difficult decisions you need to make. Given the tight budget climate, we recommend placing the highest priority on two types of investments; those that avoid larger future costs and those that protect infrastructure that provide public benefits.

Most of America's forests are owned by private entities, largely by families and individuals, who steward and care for these forests—keeping them healthy and intact for future generations. These privately-owned forests supply over ninety percent of the timber harvested in the U.S.; twenty-five percent of our clean water originates on these lands; and most Americans who hike, hunt, or fish, do so on family-owned forests. Sixty percent of America's at-risk wildlife rely on private forests. Every American benefits from the values and services these forests provide.

The American Forest Foundation, a nonprofit conservation organization, works on the ground through the American Tree Farm System® and its 4,500 volunteers, to reach more than 10 million families who own most of America's forests. Our mission is to help these families be good stewards and keep their forests healthy and intact for future generations. Because we know that conserving our forests also means enabling the next generation to manage and care for them, AFF is also home to the largest environmental and natural resource education program, Project Learning Tree® (PLT). Our network of coordinators in all 50 states helps train more than 30,000 teachers each year in this peer-reviewed curriculum, correlated to state standards. Since its inception, PLT has reached 75 million students, helping them learn how to think, not what to think, about complex environmental and natural resources issues. In an era where more and more children are disconnected from nature, the PLT program helps provide students with outdoor learning that expands their understanding and appreciation for the natural world.

Family forest owners do their part to take care of the land; they invest in good stewardship practices from which we all benefit, with minimal economic returns, because they believe it is their responsibility to be good stewards for the benefit of future generations. But often, their best intentions are subverted by circumstances—hurricanes, insects, invasive species, or wildfires—far beyond their control.

Take, for example, the story of Diane and Salem Saloom, Tree Farmers from Brewerton, Alabama. In 2004 Hurricane Ivan wreaked havoc with its destruction to south Alabama. The day after the storm the stumpage price for the Saloom's wood products fell by more than half. After 5 months of logging, clean-up and recouping only pennies on the dollar for salvaged timber, they decided to turn adversity into opportunity. Over the next 4 years they planted 450 acres of longleaf pine, and now they manage this ecosystem with prescribe burning, targeted herbicide site prep, and spraying for control and eradication of invasive species. Today their forest is home to turkey and quail, which makes it good hunting property. Additionally, their forest provides habitat to the threatened gopher tortoise. These Tree Farmers were successful, and able to stay on the land because they had help from their state forestry agency and other agencies—help that was supported in part by the US Forest Stewardship Program and other federal funds. The investment of these federal funds leveraged the much greater investment of the Saloom's money and their commitment to keep their land healthy.

Donna and Oliver Moore, Tree Farmers near Loveland, CO, who own roughly 45 acres, are another good example of where federal investment, this time through the State Fire Assistance Program and other resources, gave them the tools to reduce risks posed by dwarf mistletoe, Mountain Pine beetle, and wildfires. The Moore's neighborhood joined together in 2008 and developed the Pole Hill Road Community Wildfire Protection Plan (CWPP). Forests in the Pole Hill CWPP area have not been seriously logged since the 1960s when people cut railroad ties. Now, dwarf mistletoe and the Mountain Pine Beetle exist in the crowded trees, and catastrophic wildfire is a higher risk. Because wildfire and forest pests rarely strike one property alone, the Pole Hill Road Community—around 100 properties averaging about 35 acres each—must work together to protect their forests from catastrophic wildfires, dwarf mistletoe, and mountain pine beetle destruction.

The CWPP has allowed the landowners to collaborate and form state and federal partnerships, opening up funding opportunities from the National Fire Plan, the Colorado State Forest Service, and federal stimulus, to enhance the forest management that the Moore's were already doing as well as help their neighbors do similar work.

These are just two of hundreds of thousands of stories from across the country, where these US Forest Service programs, which leverage both state funds and individual landowner resources, have addressed critical issues and avoided more extensive restoration costs in the future.

In addition to active landowners like the Moores and the Salooms, there is a large portion of family forest owners, some estimate it to be roughly 95 percent of owners, that aren't actively engaged in the management of their lands. We know from the latest trends in forest health and

wildfire, that leaving nature to take its course, is no longer a viable option. We must find ways to engage these landowners that aren't active, in active management of their woodlands. These programs, especially the Forest Stewardship Program, provide the support for the state agency reach these landowners and help them engage in management that will improve the health of these lands.

While the forest health, fire, and stewardship programs, help family forest owners in a direct way, the US Forest Service' Forest Inventory and Analysis Program (FIA), supports these owners in a more indirect, but equally important, way. FIA is the nation's forest census, providing the information and data needed to make sound decisions about America's forests. With this data, foresters are able to determine spread and impact of invasive species, so we can develop appropriate responses. The forest products industry and the emerging renewable energy industry use this data to make informed decisions about where to site facilities, enabling investment in U.S. manufacturing and renewable energy generated from forests. With the continuing loss of traditional markets across the country, we must do everything we can to enable investment in these industries and protect the jobs and rural communities that rely on them. Without healthy markets, generated by a strong forest products industry, family forest owners find it very difficult to keep their forests healthy. FIA also supports the research about family forests, including demographics and trends that help organizations like AFF leverage our resources to address emerging issues with family forest owners. Beyond FIA, very little USFS resource is dedicated to family forests, even though they represent a significant component of the forest land base. We urge the Subcommittee to maintain funding for this important program.

Even as family forest owners are dealing with today's challenges—insects, diseases, wildfires, and declining traditional forest products markets—one of the top concerns on their mind is how they can ensure that the next generation is going to take up the challenge and continue to conserve and steward these lands. Over 170 million acres of family-owned forests are expected to change hands in the next few decades, as family forest owners increase in age. Programs like the EPA's Office of Environmental Education, authorized by the National Environmental Education Act, or the US Forest Service's Conservation Education Initiative, help support efforts like Project Learning Tree, educating the next generation about the importance of our natural resources, and how to conserve and manage them for the long run.

Again, we recognize the Subcommittee must find areas to reduce spending. We ask the Subcommittee to consider the impact on the country's 10 million family forest owners and all Americans who benefit every day from these forests, and work to maintain funding levels for the US Forest Service's Forest Stewardship Program, Forest Health, Cooperative Lands Program, State Fire Assistance, and the Forest Inventory and Analysis Program.

Thank you for your consideration.

**Written Testimony of Gerald J. Gray, Ph.D., Senior Vice President, AMERICAN FORESTS
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
On FY 2012 Budget Proposals for the USDA Forest Service
March 28, 2011**

SUMMARY OF RECOMMENDATIONS

USDA Forest Service

- **Community Forest and Open Space Conservation Program at \$5 million**
- **Forest Legacy at \$135 million**
- **Forest Stewardship Program at \$29.5 million**
- **Urban and Community Forestry Program at \$40 million**
- **Integrated Resource Restoration at \$854.2 million**
 - **Collaborative Forest Landscape Restoration at \$40 million**
- **State Fire Assistance at \$71 million (WFM) and \$39 million (S&PF)**
- **FLAME at \$413 million**
- **Legislative changes: Payments to Communities and Service First Authorities**

Dear Mr. Chairman and Members of the Subcommittee:

American Forests is a national non-profit 501(c)(3) conservation organization whose mission is to connect, educate, and inspire people to restore and protect rural and urban forests. We work through public and private partnerships to reach out to people and to engage them in forest restoration activities in their communities.

We are pleased with President Obama's FY 2012 budget proposals for the USDA Forest Service. Given the current federal budget situation, the proposals reflect priorities that are consistent with ours and build upon recent initiatives such as America's Great Outdoors, which engages local communities through collaborative stewardship approaches, and USDA Secretary Vilsack's "all lands" approach, which encourages landscape or watershed approaches through which landowners work collaboratively toward restoring healthy ecosystems for their many environmental and societal benefits.

Engaging Communities in restoring and protecting forests and watersheds

American Forests has been strongly supportive of the Administration's efforts to reach out and engage communities through the America's Great Outdoors initiative and Forest Service Planning Rule, and we appreciate the degree to which these budget proposals allocate resources to programs that support partnerships and community-based efforts to address priorities for restoration and maintenance at a landscape or watershed scale. Many of the programs that receive strong support within this budget are those for which we have been advocating over the past 15 years with our community-based partners. It is exciting to see them being recognized within the Administration's proposals!

Forest Service State and Private Forestry (S&PF)

Our testimony focuses on the cooperative programs within the S&PF, through which the agency works collaboratively with state and local governments, tribes, private landowners, and other

non-governmental entities. These are the primary programs through which the agency provides leadership by reaching out to communities with technical and financial assistance to help address major forest-related issues on private forest lands, which comprise 60% of our nation's forests, and in urban areas, which contain 80% of our nation's population.

Community Forest and Open Space Conservation Program (CFP): The Administration views this program as a cornerstone of the America's Great Outdoors initiative and proposes a significant increase in funding, from \$0.5 million to \$4.5 million. We have been a strong advocate for the CFP, recently authorized in the Food, Conservation, and Energy Act of 2008, and we support this request for increased funding. The CFP authorizes the Forest Service to provide matching grants to local governments, Tribal Governments, and nonprofit organizations to establish community forests by acquiring and protecting forests for specific community benefits. These community forests may provide public access and recreational opportunities, protect vital water supplies and wildlife habitat, address the effects of climate change, provide demonstration sites for private forest landowners, and create jobs and local financial benefits through sustainable management. The CFP complements the Forest Legacy Program (FLP) and the Urban and Community Forestry Program (U&CF), each of which engages unique partners and utilizes different tools for land protection and stewardship.

Forest Legacy Program (FLP): The Forest Legacy Program has become a key tool for the Forest Service working in partnership with state governments and non-profit conservation organizations to protect environmentally-important private forests threatened by conversion to non-forest uses. The program provides funds for acquiring conservation easements on private forests, thereby protecting public environmental benefits such as clean air and water, fish and wildlife habitat, and recreation, while allowing these lands to be managed for conservation purposes as working lands. By permanently protecting important working forest lands, the FLP helps to create and maintain rural jobs and ensure a robust forest infrastructure. The Administration sees the FLP as a key initiative under the America's Great Outdoors initiative to support large landscape-scale conservation efforts and is requesting a \$59 million increase through the Land and Water Conservation Fund for total funding of \$135 million. We support this request and believe that it will help the Forest Service continue to work across boundaries to support projects that protect forests in key landscapes as identified in Statewide Assessments and Resource Strategies. These projects will be coordinated with other partners to create viable and cohesive zones where the economic, social and environmental values of forests are conserved.

Forest Stewardship Program (FSP): The Forest Stewardship Program is the agency's only program focused exclusively on the management of private forest lands, which constitute the majority (60%) of America's forests. The program provides landowners with the information they need to develop comprehensive, multi-resource management plans through a network of technical assistance providers. Because of its unique role, the FSP is central to USDA Secretary Vilsack's vision of an "all lands" approach to managing forests. The Administration requests an increase of \$0.8 million for the program, to a total of \$29.5 million. We support this request and the agency's proposed strategy to apply the program through the recently completed Statewide Assessments and Resource Strategies. The agency also proposes to achieve more effective

program delivery through better coordination with program partners, landowner peer to peer networks, and information technology advances. The Statewide Assessments will enable States to focus the program assistance and work collaboratively with partners to develop landscape-scale, multi-landowner approaches to achieve measureable stewardship benefits. The Statewide Assessments should also help identify and address opportunities through emerging ecosystem service and biomass energy markets. New technology, such as the Spatial Analysis Project, should also help the program make progress toward the long-term goal of managing significant landscapes, rather than scattered, individual properties.

Urban and Community Forestry (U&CF): The Administration's budget proposes to increase funding for the U&CF program to \$32.4 million, recognizing it as a critical program to protect and restore important urban landscapes and to connect urban people to the natural landscapes in which they live. We urge Congress to support an increase to \$40 million to meet the growing needs and opportunities for urban forestry programs in cities across the country that are struggling in these difficult economic times. Urban forests are integral to any community striving to reinvest in itself, to encourage an active and healthy citizenry, and to create a more sustainable environment and economy with green infrastructure. American Forests is working with partners in the Sustainable Urban Forests Coalition (SUFC) to better understand the environmental, social, and economic benefits that urban forests provide and to encourage greater investment in the protection and restoration of urban forests. We are strongly interested in strategic tree-planting initiatives for carbon sequestration and energy conservation and in collaborative landscape-scale demonstration projects in urban areas that seek to achieve specific and measureable environmental, social, and economic benefits. In addition, consistent with the SUFC recommendations, we urge Congress to support \$8 million in the agency's Research budget for urban forestry.

National Forest System (NFS)

Integrated Resource Restoration (IRR)

The Administration's proposal for an Integrated Resource Restoration (IRR) budget line item represents the Forest Service's new approach to restoration. The IRR brings together an array of programs associated with restoring watershed conditions and forest health and focuses on achieving critical work in the most important places. American Forests, through our partnership with the Rural Voices for Conservation Coalition, has been supportive of the agency's efforts to develop an integrated forest restoration budget line item for a number of years. We believe that the Administration's proposals for FY 2012 will help move the agency in the right direction by encouraging collaborative efforts with communities and partners to identify and address priorities at a landscape or watershed scale. We also want to call attention to the importance of the Watershed Condition Framework as a tool to ensure that work is being applied appropriately and that activities and outcomes are being monitored and shared for learning and accountability. We support the Administration's proposed structure for the IRR, which identifies four key components, and its overall request of \$854.2 million. Within the *Restoration and Management of Ecosystems* component, we are particularly interested in the inclusion of previous Post-Fire Rehabilitation activities, as American Forests has been a long-term partner with the Forest

Service in restoration tree-planting after destructive wildfires. Within the *Priority Watershed Restoration and Job Stabilization* component, we are excited to see an emphasis in working with local communities to identify watershed priorities and restoration activities that can provide measurable social and economic benefits to local communities. We are also pleased with the proposed increase of \$30 million, to a total of \$40 million, for the *Collaborative Forest Landscape Restoration Program (CFLRP)*. This program, authorized in 2009 by the Forest Landscape Restoration Act, has been one of our priorities for the last several years, and we are delighted to see that it is also a priority of the Administration's. The CFLRP authorizes federal matching funds for large-scale—at least 50,000 acre—restoration projects that have been developed collaboratively with multiple stakeholders. The projects selected for implementation through the CFLRP provide an incredible opportunity for advancing public-private approaches for landscape and watershed restoration.

Wildland Fire Managent (WFM)

State Fire Assistance (SFA): The SFA has become a critical federal program for one of our priorities under WFM, providing financial and technical assistance to communities for preparing Community Wildfire Protection Plans (CWPPs). CWPPs are a key mechanism for engaging local communities in a collaborative process to address wildfire preparedness and to direct resources toward hazardous fuels reduction work to help reduce wildfire threats. American Forests urges funding for SFA of \$71 million within WMD and \$39 million within S&PF.

FLAME Wildfire Suppression Reserve Fund: As part of a broad coalition supporting FLAME over the past several years, we believe it is critical to fund FLAME at \$413 million. The intent of FLAME was to eliminate the need to transfer funds from other Forest Service programs in order to fund emergency wildfire suppression—a practice that undermined the agency's ability to implement other critical programs. Failure to adequately fund FLAME this year could force the agency to revert to the old practice and have disastrous effects on those programs.

Legislative Changes

Forest Service Payments to Communities: The Administration proposes to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 for five years, with a discretionary appropriation of \$328 million. This *Payments to Communities* program, which has been funded through mandatory appropriations since 2000, has been essential to many rural forest-based communities over the last decade. We appreciate the Administration's efforts to maintain this program and urge Congress to work with the Administration to find a legislative and funding solution to continue support for this essential program.

Service First Permanent Authority: The Administration is proposing legislative language for permanent authority to work cooperatively with other agencies and partners on collaborative landscape-level projects. These authorities have been provided annually through Appropriations Acts since 2001. We have been encouraging efforts to make these legislative authorities permanent for a number of years, and we welcome these proposals for consideration.



March 25, 2011

The Honorable Mike Simpson
 Chair, House Interior and Environment Appropriations Subcommittee
 B-308 Rayburn House Office Building
 Washington, DC 20515

The Honorable James Moran
 Ranking Member, House Interior and Environment Appropriations Subcommittee
 B-308 Rayburn House Office Building
 Washington, DC 20515

Dear Representatives Simpson and Moran:

Americans today are facing tremendous economic challenges. Many have lost their jobs, their homes, or both. Many children face sudden homelessness or family insecurity when one or both parents lose jobs. Men and women are serving their country in war, as their families struggle to deal with their absence. Too many service families struggle to cope with their death, or with a returning veteran who may have devastating physical or emotional wounds. In these extraordinarily difficult times, one tragic consequence is the rising rate of suicide.

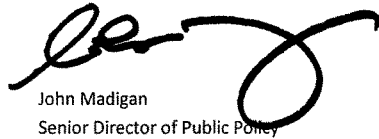
- Nearly 36,000 (2008) Americans die by suicide each year – that's one American every fifteen minutes.
- Twice as many Americans die each year by suicide than by homicide.
- Suicide is the third leading cause of death among those aged 15 to 24.
- Male veterans have twice the suicide rate of civilians.
- More than one million Americans attempt suicide and another eight million consider it.
- Each year suicide costs the United States \$13 billion in lost earnings and one million years of unfulfilled life.

As Chair and Ranking Member of the House Interior and Environment Appropriations Subcommittee; you have control over funding of vital programs and services that can reduce the devastating impact suicide has on our American Indian/Alaskan Native population, particularly its youth and adolescents. As you prepare for upcoming hearings on your Fiscal Year 2012 appropriations bill we kindly request that you consider inviting the American Foundation for Suicide Prevention to provide testimony or submit a statement regarding funding for suicide prevention and education programs for Native American youth.

The American Foundation for Suicide Prevention is the leading national not-for-profit organization exclusively dedicated to understanding and preventing suicide through research, education and advocacy as well as to reaching out to people with mental disorders and those impacted by suicide. Thank you in advance for considering our request and we hope to have the opportunity to provide input to your important committee on vital programs and services that can reduce the number of suicides among our American Indian/Alaskan Native youth population.

If you have any questions or would like the American Foundation for Suicide Prevention to testify or submit a statement to your Committee, I can be reached at (202) 449-3600 ext. 103 or jmadigan@afsp.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Madigan', with a large, stylized flourish at the end.

John Madigan
Senior Director of Public Policy

**Written Testimony Submitted by
Wilson Bonner and Linda Rowan, Government Affairs
American Geological Institute
to the United States House of Representatives
Subcommittee on Interior, Environment and Related Agencies Appropriations
April 1, 2011**

Thank you for this opportunity to provide the American Geological Institute's perspective on fiscal year (FY) 2012 appropriations for geoscience programs within the Subcommittee's jurisdiction. AGI is a nonprofit federation of 49 geoscientific and professional associations that represents more than 120,000 geologists, geophysicists, and other earth scientists who work in industry, academia and government. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment. We ask the Subcommittee to support and sustain the critical geoscience work in the United States Geological Survey (USGS), the National Park Service and the Smithsonian Institution. **Specifically we ask for at least \$1.2 billion for USGS, \$356 million for the National Park Service's Resource Stewardship Program and \$861.5 million for the Smithsonian Institution.**

As the U.S. economy improves, the nation must continue to focus on intersecting needs for energy resources, water resources, mineral resources, soil resources and healthy ecosystems. To speed up the recovery of our economy and workforce, we need to sustain and efficiently use our natural resources and cost-effectively improve our quality of life and the quality of the environment, while reducing risks from natural hazards. The USGS is the nation's only natural resource science agency that can provide the objective data, observations, analyses, assessments, and scientific solutions to these intersecting critical needs.

AGI supports the small, but vital increases for research at the Smithsonian Institution and for the Geologic Resources Division within the Resource Stewardship Program of the National Park Service. Both conduct research, assessments and analysis of natural resources that are important for addressing national needs, while stimulating the economy and maintaining a skilled workforce.

U.S. Geological Survey

Virtually every American citizen and every federal, state, and local agency benefits either directly or indirectly from USGS products and services. Furthermore, a wide variety of industries rely on USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services. As was made clear by the National Research Council report *Future Roles and Opportunities for the U.S. Geological Survey*, the USGS's value to the nation goes well beyond the Department of the Interior's stewardship mission for public lands.

USGS addresses a wide range of important problems facing the nation: natural hazards, global environmental change, water resources, waste disposal, and energy and mineral resources. AGI prepared a brief document entitled *Critical Needs for the Twenty First Century: The Role of the*

Geosciences that lists seven critical needs followed by policy actions to help the nation meet these needs (available online at www.agiweb.org/gap/criticalneeds/index.html). With a burgeoning human population, rising demand for natural resources and the ever present threat of natural hazards, it is critical to more fully integrate Earth observations and Earth system understanding into actions for a sustainable world. The USGS plays a prominent role in meeting national needs, while growing the economy, building a skilled workforce and ensuring a natural resource-literate public.

AGI strongly supports a modest additional investment of about \$90 million in FY 2012 for a total budget for the USGS of \$1.2 billion to cover fixed costs, emergencies such as oil spills, water disputes, earthquakes and volcanic eruptions, the \$48 million needed for Landsat, and to provide tens of millions of dollars to currently underfunded core programs. It is imperative that these missions be recognized and valued within the Department and by the Administration. AGI asks the Subcommittee to continue to support the USGS.

Mineral Resources Program: The value of domestically processed nonfuel mineral resources is estimated to be about \$578 billion in 2010 and growing. The USGS Mineral Resources Program (MRP) is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the nation's premier credible source for regional, national and global mineral resource and mineral environmental assessments, statistics and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning and decision-making. Not only does the program track global commodities, it also prepares assessments such as the recent report on rare earth element deposits in the United States.

The data and analyses of the MRP are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other federal, state and local government entities, foreign governments, private companies and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land use decisions posed by industry, government and private land owners. **We urge the Subcommittee to support the Mineral Resources Program at a level of \$54 million so that it may perform its core missions. This level is the same as the FY 2010 and FY 2005 levels and more than the FY 2012 request of \$44 million.**

Water Program: AGI is concerned with the decreased funding in the President's request for USGS's Water Resources Programs. The USGS is the nation's premier federal water science agency and knowledge about water quality and quantity is necessary for economic growth and to avoid catastrophes. **Going forward for FY 2012, AGI supports modest budgets to sustain many critical water programs at the USGS including National Streamflow Information, Ground Water Resources, the National Water Quality Assessment (NAWQA), Hydrologic Research and Development, Toxic Substances Hydrology, Hydrologic Networks and Cooperative Water Program. We respectfully ask that \$18 million in proposed cuts for water programs in the FY 2012 request be restored, so that water resource efforts remain stable at FY 2010 levels.**

National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards: A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in Japan and the Indian Ocean, hurricanes Katrina and Rita striking the Gulf Coast and the massive earthquakes in New Zealand, Chile, Haiti, Pakistan, and Wenchuan, remind us of the need for preparation, education, mitigation and rapid response to natural hazards. Several National Academies' reports and studies by other hazard experts have shown that mitigation and preparation reduces fatalities, injuries and economic losses. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503) called for a significant federal investment in expansion and modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS) -- a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage.

As USGS Director Marcia McNutt noted in her March 17 testimony before this Subcommittee, the reduction in fatalities in large earthquakes in Japan (140,000 fatalities in 1923 Kanto earthquake to 6,800 in 1995 Kobe earthquake and only about 200 in 2011 attributed to Tohoku earthquake) has been due to understanding earthquakes to improve engineering and early warning systems. The value of saving hundreds of thousands of lives is immeasurable, yet clearly depends on the priorities of our society and our leadership in Congress.

With only 1,300 of 7,100 stations in operation as of October 2010, the ANSS is far from achieving its goals. Robust and steady appropriations are a high priority right now. Critical investments now will help to reduce earthquake risks; help to create jobs and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives, such as the EarthScope Observatories run by NSF. A major component of EarthScope is a seismic network that is moving across the country and is appropriately complemented and connected to ANSS. Given all of these factors, now is really the time to increase investments in USGS-NEHRP through the Earthquake Hazards Program. **AGI strongly supports reauthorization of NEHRP in 2011 and appropriations to meet the goals of NEHRP in FY 2012.**

AGI strongly supports robust appropriations of at least the request for the Earthquake Hazards Program (\$52.3 million), the Volcano Hazards Program (\$23.6 million) and Landslide Hazards Program (\$3.3 million). We respectively ask the Subcommittee to consider adding \$4.7 million to return the hazards programs to their FY 2010 levels and avoid any cuts to these vital programs.

National Cooperative Geologic Mapping Program (NCGMP): AGI is very grateful to Congress for passing the re-authorization of the National Cooperative Geologic Mapping Program in the 2009 public lands omnibus (P.L. 111-11, Sec. 11001). This important partnership between the USGS, state geological surveys, and universities provides the nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. **AGI supports at least the request of \$25.4 million for the National Cooperative Geologic Mapping Program and asks for consideration of returning the budget to its FY 2010 level of \$28 million.**

National Geological and Geophysical Data Preservation Program (NGGDP): The data preservation program (Public Law 109-58, Sec 351) is administered by the U.S. Geological Survey in partnership with State Geological Surveys and other stakeholders. Private and public entities collect geologic and geophysical data in the form of paper records, digital files, and physical samples. Often these data and samples are given to state geological surveys either voluntarily or because of regulatory statutes. These data are worth far more than the cost of preserving them because they provide information about natural resources and natural hazards that are used by others for business or safety. The program generates more value in terms of economic development, environmental stewardship, hazard mitigation and fulfilling regulatory requirements than it costs to run. **AGI supports an appropriation of \$1 million, the same as the FY 2010 amount to sustain the program.**

Smithsonian Institution

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. AGI asks the Subcommittee to support Smithsonian research with steady funds that are a tiny fraction of the overall budget, but will dramatically improve the facilities and their benefit to the country. **We strongly support a request of \$861.5 million for Smithsonian research in FY 2012.**

National Park Service

The national parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education and outdoor activities. The National Park Services' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. **AGI supports a modest increase in the request for additional support for geological staff positions to adequately address the treasured geologic resources in the National Parks, especially as the National Parks approach their 100th anniversary.**

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact me at 703-379-2480, ext. 228 voice, 703-379-7563 fax, rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.



Testimony of the
American Geophysical Union
 Prepared by Elizabeth Landau, Public Affairs Manager

Regarding the
U.S. Geological Survey
FY 2012 Budget Request

To the
 U.S. House of Representatives
 Committee on Appropriations
 Subcommittee on Interior, Environment, and Related Agencies
 April 1, 2011

The American Geophysical Union (AGU), a non-profit, non-partisan scientific society, appreciates the opportunity to submit testimony regarding the President's fiscal year 2012 budget request for the United States Geological Survey (USGS). **The AGU, on behalf of its over 62,000 Earth and space scientist members, would like to respectfully request Congress to appropriate at least \$1.2 billion to accommodate the President's request, and to restore critical funding for USGS programs that will enable implementation of natural hazards warning and monitoring systems that will reduce risks from floods, earthquakes, severe storms, volcanic eruptions, and other hazards.**

USGS Benefits Every State in The Union: The USGS is uniquely positioned to address many of the nation's greatest challenges. The USGS plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing emergency responders with geospatial data to improve homeland security, assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources), and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in and providing services for every state in the U.S., and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 federal, state, local, tribal and private organizations.

Virtually every American citizen and every federal, state, and local agency benefits either directly or indirectly from USGS products and services. Furthermore, a wide variety of industries rely on the USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services. As was made clear by the National Research Council report *Future Roles and Opportunities for the U.S. Geological Survey*, the USGS's value to the nation goes well beyond the Department of the Interior's stewardship mission for public lands.

National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards: Providing the information necessary to mitigate the impacts of natural hazards is a core function of the USGS. The USGS operates seismic networks and conducts seismic hazard analyses that



are used to formulate earthquake probabilities and to establish building codes across the nation. It monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enable the National Weather Service to issue flood warnings. The USGS and its federal partners monitor seasonal wildfires, provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and rangeland managers with forecasting fire risk and managing natural systems following fires. The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year.

A key role for the USGS is providing the research, monitoring, and assessments that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake and tsunami events in both Japan and the Indian Ocean, hurricanes Katrina and Rita striking the Gulf Coast, and the massive earthquakes in New Zealand, Chile, Haiti, Pakistan, and Wenchuan, remind us of the need for preparation, education, mitigation, and rapid response to natural hazards. Several National Academies' reports and studies by other hazard experts have shown that mitigation and preparation reduces fatalities, injuries and economic losses.

With great forethought, the **Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503)** called for a significant federal investment in expansion and modernization of existing seismic networks and for the development of the **Advanced National Seismic System (ANSS)** – a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage.

As USGS Director Marcia McNutt noted in her 17 March testimony before the Subcommittee, the reduction in fatalities in large earthquakes in Japan (140,000 fatalities in the 1923 Kanto earthquake, then 6,800 in the 1995 Kobe earthquake, and only about 200 in the 2011 Tohoku earthquake) has been due to increased understanding of earthquakes and subsequent improvement of engineering and early warning systems. The value of saving hundreds of thousands of lives is immeasurable, yet clearly depends on the priorities of our society and our leadership in Congress.

With only 1,300 of 7,100 stations in operation as of October 2010, the ANSS is far from achieving its goals. Robust and steady appropriations are a high priority right now. Critical investments now will help to reduce earthquake risks; help to create jobs and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives, such as the EarthScope Observatories run by the National Science Foundation. A major component of EarthScope is a seismic network that is moving across the country and is appropriately complemented and connected to ANSS. Given all of these factors, now is really the time to increase investments in USGS-National Earthquake Hazards Reduction Program (NEHRP) through the Earthquake Hazards Program.



AGU strongly supports robust appropriations of at least the request for the Earthquake Hazards Program (\$52.3 million), the Volcano Hazards Program (\$23.6 million) and Landslide Hazards Program (\$3.3 million). We respectfully ask the Subcommittee to consider adding \$4.7 million to return the hazards programs to their FY 2010 levels and avoid any cuts to these vital programs.

National Cooperative Geologic Mapping Program (NCGMP): AGU is very grateful to Congress for passing the re-authorization of the National Cooperative Geologic Mapping Program in the 2009 public lands omnibus (P.L. 111-11, Sec. 11001). This important partnership between the USGS, state geological surveys, and universities provides the nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. **AGU supports at least the request of \$25.4 million for the National Cooperative Geologic Mapping Program and asks for consideration of returning the budget to its FY 2010 level of \$28 million.**

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Mineral Resources Program: The value of domestically processed nonfuel mineral resources is estimated to be about \$578 billion in 2010 and growing. The USGS Mineral Resources Program (MRP) is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the nation's premier credible source for regional, national and global mineral resource and mineral environmental assessments, statistics and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning and decision making. Not only does the program track global commodities, it also prepares assessments such as the recent report on rare earth element deposits in the United States.

The data and analyses of the MRP are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other federal, state, and local government entities, foreign governments, private companies, and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land use decisions posed by industry, government and private land owners. **We urge the Subcommittee to support the Mineral**



Resources Program at a level of \$54 million so that it may perform its core missions. This level is the same as the FY 2010 and FY 2005 levels and more than the FY 2012 request of \$44 million.

Water Program: AGU is concerned with the decreased funding in the President's request for USGS's Water Resources Programs. The USGS is the nation's premier federal water science agency and knowledge about water quality and quantity is necessary for economic growth and to avoid catastrophes. Going forward for FY 2012, AGU supports modest budgets to sustain many critical water programs at the USGS including National Streamflow Information, Ground Water Resources, the National Water Quality Assessment (NAWQA), Hydrologic Research and Development, Toxic Substances Hydrology, and Hydrologic Networks and Cooperative Water Program. **We respectfully ask that \$18 million in proposed cuts for water programs in the FY2012 request be restored, so that water resource efforts remain stable at FY 2010 levels.**

The AGU is grateful to the House Interior Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the U.S. Geological Survey. We appreciate the opportunity to submit this testimony to the Subcommittee and thank you for your thoughtful consideration of our request. For additional information, please contact Elizabeth Landau at the American Geophysical Union, 202-777-7535 or elandau@agu.org.

**Cindy MacDonald, Publisher of American Herds
Written Testimony before the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2012 Department of Interior, Bureau of Land Management
Wild Horse and Burro Program**

March 31, 2011

Chairman Simpson, Ranking Member Moran, and Members of the Committee, thank you for the opportunity to present testimony regarding the Department of the Interior, Bureau of Land Management's Wild Horse and Burro Program.

Over the course of the last five years, I have been deeply involved in researching and reporting on all phases of multiple use management with a special emphasis on the Bureau of Land Management's Wild Horse and Burro Program.

A summary of the scope of what this has entailed includes Resource Management Plans, Environmental Impact Statements, Environmental Assessments, Rangeland Health Assessments, Grazing Authorizations, Range Improvement Projects, Herd Management Area Plans, Appropriate Management Level Determinations, Roundup Proposals, Threatened, Endangered, Sensitive and Special Status Species such as the Desert Tortoise, Sage Grouse, Biological Assessments and a wide variety of wildlife related issues on both state and federal levels, Mining, Oil, Gas, Alternative Energy such as Geothermal, Solar and Wind, and various related strategy documents.

It has also included multiple dialogues with BLM, U.S. Forest Service and U.S. Fish and Wildlife Service personnel in local and district offices, State Directors, the National Program Office and the National Wild Horse and Burro Advisory Board as well as extensive research on the history of the Program, genetics, reproduction rates, fertility control, population modeling, and census methods including the current research being developed in partnership with U.S. Geological Survey, and various laws related to public resource management including The Taylor Grazing Act, the National Environmental Protection Act, the National Historic Preservation Act, the Threatened and Endangered Species Act, the Wild Free-Roaming Horse and Burro Act, the Federal Lands Management Policy Act, the Public Rangelands Improvement Act, and applicable federal regulations.

I began publishing American Herds in 2007 as well as publishing a variety of reports including The Thriving Natural Ecological Balance, America's Mustangs and Burros: What's Left, The High Costs of Miscalculating and Will They Survive, The Jackson Mountain Wild Horses: A Case Study in the Mismanagement of the BLM's Wild Horse and Burro Program, Wild Burros of the American West: A Critical Analysis of the National Status of Wild Burros on Public Lands, The Wild Horses of Wyoming: A Tale of Tallies and co-authored the Report to Congress Regarding The Wild Horse and Burro Program, Refuting FY11 Budget Justifications and Request To Defund Roundups and Removals Through Appropriations for FY2011 and FY2012.

Where Are The Audits?

While Congress has approved of millions of dollars for the Wild Horse and Burro Program over the last decade – approval based almost exclusively on what the BLM has reported to them – **the BLM's records, books, and the statistics they use to validate their funding are in desperate need of a complete, detailed financial and statistical audit before any more budget increases, roundups or "reforms" should be allowed.**

Reform

As a result of my involvement, the conclusions I have reached are in agreement with a wide variety of interested stakeholders; the Wild Horse and Burro Program - as implemented over the last forty years – is in serious need of reform.

However, my agreement ends with the current directions and justifications being used to support recently proposed reforms because they are generally based on using manipulated data, unsubstantiated assertions and a significant lack of independent review regarding a wide variety of long-standing deficiencies to support them.

To say that the Wild Horse and Burro Program is a failure would imply that it has actually been implemented as Congress intended in relation to both the Act and multiple use mandates. I have seen little evidence supporting the fact that the Department of the Interior has generally upheld their stewardship obligations regarding this Program.

Year after year, the BLM has been allowed to get away with inappropriate behavior, decisions, and reporting without accountability. Now, the reforms being presented to "remedy" their long-standing manipulations are merely the same direction the Interior has long sought since Congress first foisted upon them the protection and care of animals they formally hunted and killed as pests.

The Interior has a lot of powerful friends who testify for them. From the cattlemen who have held the West with an iron grip for over a century, to the deep pocket industries of oil, mining and gas, to hunter interests who are hesitant to compete with livestock interests for the remaining resources but target the easy pickens of non-revenue generating wild horses and burros for what's left.

Those statements should not be interpreted as meaning I do not support multiple-use of public lands, because I do. What I do not support is multiple abuse of public lands and our nations resources, a process that seems to be accelerating in recent times.

The BLM Monopoly

When it comes to the Wild Horse and Burro Program, almost all information, data, statistics, rangeland assessments and conclusions are produced and issued by the BLM. There is very little in depth oversight of either site-specific proposals or broad based national policies. Legal challenges are often exhaustive in terms of both time and money and very few average citizens have the knowledge or the means to endure the legal gauntlet it takes to hold them accountable.

Even the 2008 GAO report on the Wild Horse and Burro Program, unlike the much more truthful one issued in 1990, relied almost solely on survey responses from BLM personnel to determine their conclusions, all the while issuing disclaimers where necessary to absolve them of accountability by stating they did not verify the accuracy of the information received.

As for the up and coming National Academy of Science Study, the majority of its parameters have also been crafted by the BLM, which coincidentally exclude scrutinizing many critical components of the Program and instead, will focus mainly on the same directions they are already headed.

Evidence and Support

It is understood that making broad, general summaries and issuing opinions does little to help in the decision making process. What is needed are specific, accurate and verifiable facts, so here are a few examples of what has been found.

- According to BLM national population statistics, removals and reproduction rates reported for the last ten years, the current on-the-range population estimate is impossible. Even when population reports were analyzed beginning from BLM's annually reported census date in 2007, the reported on-the-range populations in 2010 were approximately 14,000 animals higher than their own statistics could support.
- In 2009, wild horses in the Bald Mountain HMA, NV, were rounded up for the first time since 1981. This was one of the last herds to evade manipulation by BLM's primary management tool of roundups and removal. Surviving wild horse age classes ranged from 1.3% to 15.9% with an average annual population increase of merely 3.6% spanning the 28-year period. In the New Pass/Ravenswood HMA, NV, where horses had not been manipulated for six years, wild horse age class data (how many were born and survived each year) over the six-year period ranged from 3.1% to 13%, averaging a 7.6% annual population increase. A BLM aerial count of the Gold Butte HMA, NV, in 2007 found 80 adult burros and 3 foals, a 3.75% reproductive rate.
- In 2009, the BLM spent 0.9% of their budget, or less than \$500,000 dollars to actually count wild horse and burro populations on the range. Despite this, the BLM reported the need to reprogram \$9.3 million dollars due to population increases that could not have possibly been verified through credible census data. Also, between 2004 and 2009, the BLM reported fifty-five different HMAs as having extreme population increases, some by as much as 400% in one year; 27% of these occurred in 2009 alone.
- In June 2010, an aerial census of wild horse populations was conducted over three states, spanning 2M acres called the Tri-State Survey. Using a new count method the BLM/USGS are now promoting as more accurate than historical methods, only a 2.3% margin of error was projected between the direct count and what they believe were missed. The census directly counted 707 wild horses in four HMAs in CA: Fox Hog, High Rock, Wall Canyon, and Massacre Lakes. One month later, the BLM budgeted for the removal of 1,735 wild horses, over 1,000 more than were directly counted.

- Independent review of the USGS/BLM 3-year study used to develop the new census methods the BLM is now promoting found: a) the combined methods used between the two agency's increased directly counted horse populations by as much as 86%; b) the horse populations reported to the public by the BLM never matched USGS populations one time; and, c) in 2003, the BLM reported a total of 1,947 wild horses were removed in three separate roundups while USGS reported 2,350 horses were removed in one August roundup alone.
- In the Calico Complex, NV, BLM reported wild horses were five times over established Appropriate Management Levels (AMLS). Yet on 5/13/09, BLM WH&B Specialist Glenna Eckle stated in court testimony that, "the monitoring data was meeting management objectives we had identified." This monitoring information was omitted from the BLM roundup proposal and instead, the BLM stated monitoring affirmed the AMLs were valid. As for some of AMLs themselves, historical documents revealed they were initially set as "starting points" through an agreement with a local rancher and haven't changed since.
- The BLM reduced the Massacre Lakes HMA, CA, by 34,000 acres and in anticipation of setting AML, the BLM allowed the highest number of livestock since 1988 to graze for two consecutive years on range that was suppose to be rested every other year. Wild horses were then cited as the primary cause of rangeland degradation. Wild horses were also accused of riparian damage because the BLM limited them to only three of twelve water sources, two of which were fenced off. The AML is now set at 35 wild horses for 37,000 acres yet BLM says that they only reside in the 7,600-acre Juniper pasture.
- In the 2008 Ely RMP, NV, the BLM determined the former AML's set at 85 wild horses in the Delamar HMA were not genetically viable and reset the AML to 0. Ignoring a recent ruling by the Interior Board of Land Appeals that prohibited herds from being eliminated for this reason, they continued with the removal 99 horses and zeroed out the HMA. 464 cattle continue to graze the overlapping allotment year round.

If the general public can find such vast and glaring discrepancies within the Program, what could independent audits reveal? (Note: This excludes the GAO due to their heavy reliance on BLM survey responses as well as their additional deferral to the BLM to answer questions surrounding the acreage that has been removed from wild horse and burro use since the passage of the Act.)

Those who preach wild horses and burros are overpopulated or in "excess" have obviously never looked at BLMs books. Degraded rangelands, starving populations, beaten out water holes and riparian areas? Yes, it can happen **but how it happens** is what the BLM – and those with vested interests in the allocation of public resources – don't want Congress to know.

Despite recent public relations campaigns, the BLM is NOT showing any signs of reform "on the ground". Since the BLM continues to move forward down the wrong tracks with the same manipulated policies, **they should not receive any additional funding until the Program has been thoroughly reviewed by independent sources or taken out the BLM's hands altogether.**

**STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION**

March 24, 2011

I. REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our fiscal year 2012 (FY 2012) appropriations recommendations for the 29 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act), the Bureau of Indian Education postsecondary institutions, and the Institute of American Indian Arts. The Bureau of Indian Education administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded directly through the Department.

In FY 2012, TCUs seek \$71 million for institutional operations and technical assistance grants under the *Tribally Controlled Colleges and Universities Assistance Act of 1978* or Tribal College Act; of which, \$63.7 million for Titles I & II grants (27 TCUs); \$6.7 million for Title V; and \$601,000 for technical assistance. This request represents funding at the level appropriated for FY 2010. AIHEC's membership also includes three other TCUs funded under separate authorities within Interior Appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. AIHEC supports the independently submitted requests for funding of the institutional operations budgets of these institutions.

II. BRIEF BACKGROUND

Today there are 36 TCUs operating 76 campuses in 14 states. These institutions were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from well over 250 federally recognized tribes, more than 80 percent of whom are eligible to receive federal financial aid.

TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis to retain their accreditation status. TCUs are young, geographically isolated, and poor. Our oldest institution, Diné College, was established in 1968. Most TCUs are located in areas of Indian Country that the federal government defines as extremely remote. They serve their communities in ways that reach far beyond college level programming and are often called beacons of hope for American Indian people. Our institutions provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education programs. They serve as community libraries and centers, tribal archives, career and business centers, economic development centers, public meeting places, and elder and child care centers. It is an underlying goal of all TCUs to improve the lives of students through higher education and to move American Indians toward self-sufficiency. This goal is fundamental because of the extreme poverty in which most American Indians live. In fact, three of the five poorest counties in America are home to TCUs, where unemployment rates are consistently well above 60 percent. By contrast, the current national unemployment rate, which is considered to be extremely high, is 8.9 percent.

TCUs remain the most poorly funded institutions of higher education in the nation. Howard University, located in the District of Columbia, is the only other minority-serving institution, besides the tribal colleges, to receive its basic institutional operating funds from the federal government. The similarity ends there, as Howard University's federal support amounts to over **\$19,000 per student**. In contrast, the majority of TCUs currently receive **\$5,523 per Indian student**, and no federal funding for the non-Indian students that attend TCUs, which account for approximately 20 percent of TCU enrollments.

III. JUSTIFICATIONS

a) TCUs provide critical access to vital postsecondary education opportunities. Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. While the latest Decennial Census data is not yet available, the 2000 Census reported the annual per capita income of the U.S. population as \$21,587. However, the annual per capita income of American Indians was \$12,923 or about 40 percent less. In addition to serving their students, TCUs serve their communities through a wide variety of community outreach programs.

b) TCUs are producing a new generation of highly trained American Indian teachers, tribal government leaders, engineers, nurses, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high need" occupational areas such as Head Start teachers, elementary and secondary school teachers, and nurses/health care providers. Just as important, the vast majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

c) TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs; contributing to the achievement of the national graduation goal, and serving as effective bridges to four-year institutions of higher learning. A growing number of TCUs have attained a ten-year accreditation term, the longest term granted to any higher education institution. All TCUs offer at least certificates and associate degrees with 10 offering Bachelor's and two conferring Master's degrees, making tribal colleges a critical component in achieving the national goal to once again lead the world in the percentage of the population with college degrees by 2020. Additionally, TCUs' transfer function from two-year to four-year degree institutions is significant. An independent survey of TCU graduates conducted for the American Indian College Fund indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a TCU did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a TCU prior to beginning a degree program at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges and nearly 40 percent went on to earn a Bachelor's degree. This clearly illustrates TCUs' positive impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their TCU experience had prepared them well for further education and noted that it had a very positive influence on their personal and professional achievements.

- d) Despite a proven track record of success, TCUs still face serious disparities in institutional operations funding.** Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. Distribution of funds under Title I of the Tribal College Act is enrollment driven. The 25 institutions that are currently funded under Title I are receiving \$5,523 per Indian student toward their institutional operating budgets. If you factor in inflation, the buying power of the current appropriation is \$1336 LESS per Indian student than it was when it was initially funded 30 years ago, when the appropriation was \$2,831 per Indian student. Additionally, TCUs do not receive any federal funding towards their operations for non-Indian students, which account for approximately 21 percent of their enrollments. Because they are located on federal trust lands, states have no obligation to fund these institutions. While TCUs do seek funding from their respective state legislatures for the non-Indian state-resident students or non-beneficiary students, who account for 21 percent of our enrollments, their successes have been, at best, unreliable. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian state students, within their respective state legislatures. If these non-beneficiary students attended any other public institution in the state, the state would provide that institution with ongoing operations funding.
- e)** While the other TCUs' operating funds allocations are not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of stable operating revenue. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

IV. SOME ADDITIONAL FACTS

- a) Enrollment Gains and New TCUs** - Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen over 310 percent. Between FY 2005 and FY 2012, five additional TCUs have become eligible for funding under Title I of the Tribal College Act. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities being established and increasing enrollments have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.
- b) Local Tax and Revenue Bases** - TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 60 percent.
- c) Trust Responsibility** – The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the federal government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action,

and the ceding of more than one billion acres of land to the federal government. Beyond the trust responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the federal government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only enrolled members of a federally recognized tribe or the biological child of a tribal member may be counted as Indian students when determining an institution's share of the operating funds, TCUs have open enrollment policies. Approximately 21 percent of TCU enrollments are non-Indians. These institutions are simply and effectively providing access to quality higher education opportunities to reservation community residents.

VI. PRESIDENT'S BUDGET AND APPROPRIATIONS REQUEST FOR FY 2012

As noted earlier, it has been three decades since the Tribal College Act was first funded and the TCUs have yet to receive the congressionally authorized per Indian student funding level. To fully fund the TCUs institutional operating grants would require an increase of \$29 million over the current funding level. However, we do recognize the budget constraints the nation is currently facing and consequently, we are not requesting an increase in FY 2012, but rather seek to have our institutional operating and technical assistance grants programs level funded, as requested in the President's FY2012 Budget, outlined in the Request Summary above.

VII. CONCLUSION

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY 2012 appropriations requests.

**Testimony in Support of FY 2012 Funding for the
United States Geological Survey and
Environmental Protection Agency**

April 1, 2011

Submitted by:
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Submitted to:
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS) and Environmental Protection Agency (EPA) for fiscal year (FY) 2012. AIBS encourages Congress to provide the USGS with at least \$1.2 billion in FY 2012, with at least \$171 million for the Ecosystems Activity. We further request that Congress provide the EPA's Office of Research and Development with at least \$597 million, with at least \$72 million for ecosystem research.

U.S. Geological Survey

The United States Geological Survey (USGS) provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by reducing economic losses from natural disasters, allowing more effective management of water and natural resources, and providing essential geospatial data that are needed for commercial activity and natural resource management. The data collected by the USGS are not available from other sources. Our nation cannot afford to sacrifice this information. Funding for the USGS is a wise investment that produces real returns for the country.

The FY 2012 budget request for the USGS is inadequate to sustain the agency's critical work. The proposed budget would cut funding from programs that support the agency's core missions, resulting in the termination of 230 full-time staff positions. These reductions would be especially destructive because, in constant dollars, the USGS has been flat funded for more than a decade. Given the agency's critical role in informing the environmental and economic health

of the nation, more support is justified. We urge Congress to fully fund the USGS by restoring Administration-proposed reductions to core science programs.

One area that would be negatively impacted by the proposed budget is the Ecosystems Activity within the USGS. Three programs within this budget authority are slated for reductions. The Status and Trends, Fisheries, and Wildlife programs would collectively lose \$4.4 million. This budget would undercut the agency's ability to fulfill its valuable programmatic missions in biology. The Status and Trends program inventories populations of plants and animals, and monitors changes in these species and their habitats over time. The Fisheries: Aquatic and Endangered Resources program and Wildlife: Terrestrial and Endangered Resources program conduct research that informs our understanding of biodiversity, and provide information to other Department of the Interior bureaus that is used to manage endangered species. Collectively, the knowledge generated by these programs is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Another program inadequately funded in the Administration's request is the National Biological Information Infrastructure (NBII). Under the FY 2012 budget, all new data collection activities would be eliminated. This would halt efforts to make data on invasive species, wildlife disease, habitat loss, wetlands, and pollinators more accessible to resource managers, scientists, and the public. The budget would also eliminate partnerships with more than 40 federal and state agencies, 20 universities, and other networks. Moreover, this plan would have global consequences, as NBII serves as the United States node for the Global Biodiversity Information Facility, an international collaboration of nearly 60 countries that enables public access to global biodiversity data.

Other external partnerships would be negatively impacted under the proposed budget. Through the Cooperative Research Units, the USGS and their partners address pressing issues facing natural resource managers, such as invasive species and wildlife diseases. In addition to providing research expertise, these partnerships at 40 universities in 38 states serve as important training centers for America's next generation of scientists and resource managers. Although the Cooperative Research Units are effective investments that leverage federal funding, the program's budget would decline by \$500,000 in FY 2012.

The National Streamflow Information Program within the Water Resources Activity also provides needed information for resource managers and scientists. Its national network of streamgages records changes in streamflow due to alterations in precipitation, land use, and water use. This information is vital to state and local governments, utilities, and resource managers who make decisions about water use.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the nation's biological and environmental challenges, including water quality, energy independence, and conservation of biological diversity. Biological science programs within the USGS gather long-term data not available from other sources. These data have contributed fundamentally to our understanding of the status and dynamics of biological populations and have improved our understanding of how ecosystems function, all of which is necessary for predicting the impacts

of land management practices and other human activities on the natural environment. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. In short, increased investments in these important research activities will yield dividends.

Environmental Protection Agency

The Office of Research and Development (ORD) is the science division for the EPA. The ORD supports valuable extramural and intramural research that is used to understand, prevent, and mitigate environmental problems facing our nation. ORD research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, ORD provides the scientific basis upon which EPA monitoring and enforcement programs are built. Funding for ORD, however, has declined since FY 2004, when it peaked at \$646.5 million. At \$584.1 million, the budget request for FY 2012 falls far short of addressing past budget deficits. We ask that Congress restore funding for ORD to at least the FY 2010 level.

The Ecosystem Services Research program within ORD is responsible for enhancing, protecting, and restoring ecosystem services, such as clean air and water, rich soil for food and crop production, pollination, and flood control. "EPA's Ecosystem Services Research Program is bold, innovative, and necessary," wrote Dr. Judith Meyer, chair of the Ecological Processes and Effects Committee of the EPA's Science Advisory Board in a 2009 Committee consultation. However, "[t]he considerable potential of the program is unlikely to be achieved with its current level of funding and staff." The FY 2012 budget request would do little to solve the problem, with a proposed \$10.8 million cut in funding and a reduction of 16.7 full time equivalents for ecosystem research. We ask that Congress fully fund the program.

The Science to Achieve Results (STAR) Graduate Fellowship contributes to the training of the next generation of scientists by supporting graduate students pursuing an advanced degree in environmental science. The agency's request of \$6 million in new funding represents the first real increase for the program since FY 2006 and would provide 105 new fellowships. Since its inception in 1995, this successful program has supported the education and training of 1,500 STAR Fellows who have gone on to pursue careers as scientists and educators.

In conclusion, we urge Congress to restore funding for the ORD to the FY 2010 enacted level and to proportionally increase funding for ecosystem research within the program. These appropriation levels would allow ORD to address a backlog of research needs.

Thank you for your thoughtful consideration of this request.

About AIBS

AIBS is a nonprofit 501(c)(3) scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. AIBS is sustained by a robust membership of individual biologists and some 200 professional societies and scientific organizations whose combined individual membership exceeds 250,000. AIBS advances its mission through coalition activities in research, education, and public policy; publishing the peer-reviewed journal *BioScience* and the education website ActionBioscience.org; providing scientific peer-review and advisory services to government agencies and other clients; convening meetings; and managing scientific programs.

Statement of the Paul G. Billings
Vice President, National Policy & Advocacy
American Lung Association
U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2012
U.S. Environmental Protection Agency
April 1, 2011

Summary: Funding Recommendations (Dollars in Millions)

US Environmental Protection Agency	
Taking Action on Climate Change and Improving Air Quality	\$1,103.9
• Federal Stationary Source Regulation	\$34.1
• Federal Support of Air Quality Management	\$141.4
• Clean Air Allowance Trading Program	\$30.6
• Federal Vehicle and Fuels Standards	\$100.6
• Climate Protection Program	\$127.8
• State and Local Air Quality Management (STAG)	\$305.5
o Air Monitoring	\$15.0
• Diesel Emission Reductions	\$50.0
Human Health Risk Assessment	\$45.7
Reducing Risks from Indoor Air	\$20.8
Indoor Air: Radon Program	\$5.8
Research: Air, Climate and Energy	\$108.0

The American Lung Association is pleased to support the Environmental Protection Agency's (EPA) program to improve the nation's air. The American Lung Association was founded in 1904 to fight tuberculosis and today, our mission is **to save lives by improving lung health and preventing lung disease.**

We urge the Committee to support ensuring that the U.S. Environmental Protection Agency has the necessary resources to protect the public health from air pollution. Protecting the public from the health threats of pollution is a core mission of the EPA. Last month, the EPA released a report that documents the tremendous health benefits of the Clean Air Act. According to the report, in 2010 alone the reductions in fine particle and ozone pollution from the 1990 Clean Air Act amendments prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost work days and 1.7 million asthma attacks.¹ Despite this tremendous success, much work remains to ensure each American has air that is safe and healthy to breathe. Our 2010 *State of the Air* report showed that nearly six out of ten Americans live in areas where the air is unhealthy.²

The public expects EPA to implement the Clean Air Act and strongly opposes Congressional interference in the law's implementation. In February, we released a bipartisan public opinion poll that shows 69 percent of voters support EPA updating Clean Air Act standards on air

pollution. The survey shows that 79 percent of voters support stricter limits on mercury, 77 percent support stricter limits on smog, 74 percent support stricter limits on carbon and 74 percent support tougher fuel efficiency standards for heavy duty trucks.³

Implementing the Clean Air Act to protect health and save lives is a tremendous responsibility and the EPA workload is vast. In 2012, we expect EPA to update health-based air quality standards; implement rules to clean up toxic pollution from major sources such as power plants; clean up toxic pollution from automobile tailpipes; aggressively enforce the law to ensure compliance and protect the public; support state and local air pollution cleanup; continue research on the health impacts of air pollution; improve air pollution monitoring; and ensure that the Clean Air Act is implemented in a way that protects the most vulnerable. As a nation, we need EPA to be able to do all of these things.

Congress must ensure that EPA moves forward to implement the Clean Air Act. We urge the Committee to pass an FY 2012 bill free from any policy riders.

The American Lung Association would like to highlight for you some key provisions of the President's FY 2012 budget that provide additional focus on protecting vulnerable populations. The budget includes a \$2 million increase in funding for Civil Enforcement to reduce toxic air pollution around schools and within at-risk communities. Since children are especially vulnerable to the health impacts of toxic pollution, we are heartened to see this budget increase.

We are pleased to see the President's budget increase support for the **Air Quality Management Program** to improve pollution monitoring and analysis at the fence lines of polluting facilities. People who live adjacent to and near major sources of pollution often face the greatest health risk. Increases of more than \$3 million as part of the Air Toxics Initiative and almost \$3 million as part of the Healthy Communities initiative will help improve the understanding of community-wide impacts of toxic air pollution and ultimately lead to better protection.

We support the President's budget increase of nearly \$7 million to fund **Federal Stationary Source Regulations**. These funds will support the updating of air pollution health standards that tell local communities when the air is unhealthy to breathe, as well as the setting of air toxics standards that will clean up arsenic, lead, acid gases, formaldehyde and other toxic pollutants currently emitted across the nation. In March, EPA proposed new mercury and air toxic standards for oil and coal-fired power plants. This proposal will save an estimated 17,000 lives per year in 2016. It is vital that EPA complete these lifesaving rules on time and begin their implementation.

We strongly support increased funding **for state and local air pollution agencies**. State and local air pollution control agencies are on the front lines in the effort to improve air quality across the nation. These agencies will be called on to put in place the safeguards set under the Clean Air Act. These agencies will adopt and enforce a range of new emissions reduction programs designed to meet the needs of each area. State and local air pollution agencies need additional resources to protect the health of their communities. Key to this is the investment in air pollution monitoring. Improving the nation's air pollution monitoring network will provide better information to enhance health protection.

We strongly support EPA's planned work to update tailpipe standards. **Light duty cars and trucks** remain a significant source of air pollution. This work is vital to correct for any adverse air quality impacts that may result from increased use of renewable fuels.

We also support EPA's continued work under the Clean Air Act **to control greenhouse gases**. It is clear that EPA is taking a careful and common sense approach to addressing this global threat. Climate change will bring serious adverse health consequences. Scientists warn that the buildup of greenhouse gases and the climate changes caused by it will create conditions, including warmer temperatures, which will increase the risk of unhealthful ambient ozone levels. Higher temperatures can enhance the conditions for ozone formation. Even with the steps that are in place to reduce ozone, evidence warns that changes in climate are likely to increase ozone levels in the future in large parts of the United States.

We strongly support EPA's **air pollution research program**. Research is essential to improve the understanding of the health effects of air pollution. Sound science underscores all of EPA's work. Continued investment in research is vital to increase that level of knowledge and inform future agency action.

The American Lung Association opposes cuts in the President's Budget to the widely supported **diesel emission reduction (DERA) program** that was reauthorized in late 2010. Twenty million old diesel engines are in use today that pollute communities and threaten workers. Immense opportunities remain to reduce diesel emissions through the DERA program. Please restore funding to the \$50 million level.

We also strongly oppose cuts to the successful indoor air program that works to reduce asthma attacks and lung cancer. Although this program is almost completely voluntary, EPA has demonstrated that creative leadership and collaboration with nongovernmental partner organizations can yield big results in protecting the public in the places where they spend the vast majority of their time. In particular, the low cost, voluntary Indoor Air Quality Tools For Schools program must not be eliminated. **Tools for Schools** has succeeded in improving environmental conditions and reducing asthma triggers in schools across the country, but more schools need this help. Please fund this program at least \$20.8 million.

For forty years the Clean Air Act has charged EPA to protect the public from air pollution and fulfill the promise of air that is clean and healthy for all to breathe. **We urge the Committee to ensure that EPA is meeting the required deadlines and updating standards to reflect the best science with the maximum health protection.** Mr. Chairman, thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for air – clean, healthy air for all Americans to breathe.

¹ U.S. Environmental Protection Agency. *The Benefits and Costs of the Clean Air Act from 1990 to 2020*. Washington, D.C., March 2011.

² American Lung Association. *State of the Air 2010*. Washington, DC. April 2010.

³ American Lung Association. *Clean Air Survey*. Washington, DC. February 16, 2011



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**Statement
Of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to the
HOUSE APPROPRIATIONS COMMITTEE'S
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

March 31, 2011

The American Public Power Association (APPA) respectfully requests \$75 million for the EPA ENERGY STAR program, robust funding for the Landfill Methane Outreach Program, and \$3.4 million for the Council on Environmental Quality.

APPA is the national service organization representing the interests of over 2,000 municipal and other state and locally owned electric utilities in 49 states (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 46 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

We understand that Congress is operating in a tight fiscal environment. APPA's priority is to support programmatic requests that bring down costs, conserve resources, or benefit our public power customers in other ways. We appreciate the opportunity to submit this statement outlining our FY 2012 funding priorities within the jurisdiction of the Interior and Related Agencies Subcommittee.

Environmental Protection Agency: ENERGY STAR Programs

APPA is disappointed in the modest six percent increase in the EPA ENERGY STAR program. We request an additional \$20 million in funding for the program to bring the total amount to \$75 million.

ENERGY STAR is a voluntary partnership program pairing EPA with businesses and consumers nationwide to enhance investment in underutilized technologies and practices that increase energy efficiency while at the same time reducing emissions of criteria pollutants and greenhouse gases. APPA member systems across the country have been active participants in ENERGY STAR programs to reduce electricity consumption.

According to the EPA, ENERGY STAR is saving businesses, organizations, and consumers more than \$18 billion a year, and has been instrumental in the more widespread use of technological innovations like LED traffic lights, efficient fluorescent lighting, power management systems for office equipment, and low standby energy use.

Environmental Protection Agency: Landfill Methane Outreach Program

APPA supports robust funding for the Landfill Methane Outreach Program (LMOP) at EPA under the Environmental Program Management, Climate Protection Program budget. While we recognize that LMOP is not a budget line-item, APPA encourages the Committee to highlight the importance of LMOP by including report language directing the EPA to provide adequate funding for the program. The Landfill Methane Outreach Program helps to partner utilities, energy organizations, states, tribes, the landfill gas industry, and trade associations to promote the recovery and use of landfill gas as an energy source. According to EPA, LMOP has more than 800 partners that have signed voluntary agreements to work with EPA to develop cost-effective landfill-gas-to-energy (LFG) projects. There are approximately 540 operational LFG projects in the United States. LMOP has also developed detailed profiles for over 510 candidate landfills.

Landfill gas is created when organic waste in a landfill decomposes. This gas consists of about 50 percent methane and about 50 percent carbon dioxide. Landfill gas can be captured, converted, and used as an energy source rather than being released into the atmosphere as a potent greenhouse gas. Converting landfill gas to energy offsets the need for non-renewable resources such as coal and oil, and thereby helps to diversify utilities' fuel portfolios and to reduce emissions of air pollutants from conventional fuel sources.

In 2005, all operational LFG energy projects in the United States prevented the release of 19 MMTCE (million metric tons of carbon equivalent). This reduction is the carbon equivalent of removing the emissions from 13.3 million vehicles on the road or planting 19 million acres of forest for one year. This reduction also has the same environmental benefit as preventing the use of 162 million barrels of oil or offsetting the use of 341,000 railcars of coal.

As units of local and state governments, APPA's member utilities are uniquely positioned to embark on LFG projects. EPA's LMOP facilitates this process by providing technical support and access to invaluable partnerships to our members and the communities they serve.

Council on Environmental Quality

APPA supports the President's budget request of \$3.4 million for FY 2012 for the White House's Council on Environmental Quality (CEQ), and urges the Subcommittee to maintain this funding level. Public power utilities have experienced a general lack of consistency in federal government regulations, particularly involving environmental issues. While additional layers of government should be avoided, a central overseer can perform a valuable function in preventing duplicative, unnecessary and inconsistent regulations. CEQ is responsible for ensuring that federal agencies perform their tasks in an efficient and coordinated manner.



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*Statement of the American Society for Microbiology
Submitted to the
House Appropriations Subcommittee
On Interior, Environment, and Related Agencies
On the Fiscal Year 2012 Appropriation for the Environmental Protection Agency Science and
Technology Programs*

March 28, 2011

The American Society for Microbiology (ASM) wishes to submit the following statement on the Fiscal Year (FY) 2012 appropriation for the Environmental Protection Agency (EPA) science and technology programs. The ASM is the largest single life science organization in the world with over 38,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes and to promote the application of this knowledge for improved health and environmental well-being.

The ASM is concerned about the Administration's FY 2012 budget request of \$826 million for EPA's science and technology programs, a 2 percent decrease from FY 2010 enacted levels. Within the S&T proposal, the \$584 million set aside for research is a decrease of \$13 million for EPA's scientific efforts. The ASM urges Congress to support increased funding for EPA science and technology programs which are essential to the EPA's mission.

The EPA's mission to protect the environment and public health is dependent upon cutting edge technologies and science based risk assessments. The quality of EPA science directly impacts food safety, industry, agriculture, the economy, local ecosystems, the nation's natural resources, air quality and consequently, public well being. EPA oversight requires the best scientific knowledge available to prevent pollution, enforce environmental standards, remediate contaminated sites, ensure the safety of chemicals and safeguard human health. When working with its partners in academia, industry, nonprofits and government, the EPA is most effective when it can utilize the best science and technology tools to resolve complex challenges such as last year's devastating Gulf oil spill.

In FY 2012, the EPA is restructuring its scientific research efforts by shifting from problem focused projects to system oriented approaches, integrating related activities into multi-disciplinary projects. As a result, it has realigned its twelve base research programs into four new research programs with greater emphasis on sustainability: (1) air, climate and energy; (2) safe and sustainable water resources; (3) sustainable and healthy communities; and (4) chemical safety and sustainability.

The Administration's FY 2012 proposed budget for the EPA recognizes the importance of innovative research. Support is increased for the Science to Achieve Results (STAR) extramural grant programs, studies of endocrine disruptors in water systems and computational toxicology. Other program budget increases would upgrade EPA's e-reporting and monitoring tools,



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necessary to both expedite risk assessments and improve enforcement of environmental regulations.

EPA Science Protects Public Health and the Environment

EPA oversight of the environment requires the most advanced tools to monitor, measure and evaluate threats to environmental quality. The ASM supports EPA science and technology and is concerned about budget reductions for EPA's Office of Research and Development (ORD). ORD manages several laboratories and research centers across the country, distributes significant extramural funding to universities and other stakeholders and supports research across the environmental spectrum. ORD programs address both risk assessment and management in the following focus areas: clean air; drinking water; ecosystem services research; endocrine disruptors; global climate change; human health; human health risk assessment; land; safe pesticides/safe products and water quality.

Within ORD, the Microbiological and Chemical Exposure Assessment Research Division is responsible for evaluating air, water and soil samples for microbial and chemical contaminants. Collected during studies like the NEEAR Water Study, which investigates the human health effects of using recreational waters, these samples are an important tool in safeguarding human, plant and animal health. Methods used by agency scientists to measure human risk factors range from state of the art chemical assays to microbiological assays based on genomics, immunological techniques, and other technologies. EPA laboratories provide reference standards, training and other technical services such as incident investigations to other EPA and federal entities and state laboratories.

ORD supported studies of microbial pathogens and toxic chemicals in environments like indoor air and drinking water often use new analytical tools developed in house by EPA scientists. These EPA innovations include molecular methods to compare the DNA of microbes isolated from the environment with DNA from human isolates as well as animal models to measure pathogen virulence. In the past year, EPA scientists reported results from research on how arsenic is absorbed into the mammalian bloodstream, and others developed a new immunoassay for quantifying antibodies in saliva, a noninvasive test for human infections by waterborne pathogens. In 2010, EPA researchers and collaborators from the Department of Energy received an R&D 100 Award for the CANARY software, which helps water system managers detect a wide variety of chemical and biological contaminants quickly. The free software tool is already monitoring drinking water operations in more than a dozen countries. The recent unveiling of a new high speed robot screening system that can test the potential toxicity of 10,000 different chemicals, highlighted a successful investment in multi year research and cross agency collaboration.



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EPA Science Responds to Changing Environments

The EPA mission to protect human health and the environment requires a rapid response to unforeseen situations like natural or human caused disasters and subsequent new threats. It also requires the ability to adjust EPA enforcement activities within evolving circumstances like updated scientific information or new products entering the market. The most dramatic example from the past year was the Deepwater Horizon oil spill in the Gulf of Mexico. EPA personnel quickly initiated assessments of air and water quality and outlined protocols to monitor long term effects of the disaster. EPA was vice chair of the National Response Team, mobilized its own Headquarters and Regional Emergency Operations Center, and provided regular updates to the public and private sectors. Specific EPA activities included lab analysis of air, water, and soil samples; input on cleanup efforts along the shoreline; and collaboration with the National Oceanic Atmospheric Administration (NOAA) to design strategies for monitoring possible toxicity of the oil dispersants utilized. The EPA Administrator now chairs the Gulf Coast Ecosystem Restoration Task Force, created last September to coordinate remediation of the affected areas.

In the past year, EPA science and technology programs informed the Agency's efforts to update regulations or propose new recommendations including:

- Proposed revisions to the Total Coliform Rule requiring all public water systems to investigate and correct any potential microbial contamination;
- A new EPA Drinking Water Strategy to improve drinking water technology that simultaneously detects groups of contaminants, continuing EPA's progress toward ensuring water systems that meet standards for more than 90 contaminants;
- In March 2011 the EPA proposed adding 30 currently unregulated contaminants (two viruses and 28 chemicals) to those already monitored in drinking water;
- New air quality standards for sulfur dioxide and stronger standards for nitrous oxide (the first new SO₂ standard in almost 40 years and the first for NO₂ in 35 years); the SO₂ standard may help avoid 54,000 asthma attacks per year;
- New limits for mercury emissions from cement plants, aimed at a 92 percent reduction from projected 2013 levels, expected to save \$7–19 in health costs for every dollar spent;
- New federal rules, jointly established with the Department of Transportation, that set the first national greenhouse gas (GHG) emissions standards, expected to conserve about 1.8 billion barrels of oil.

EPA Grants Stimulate Innovation in Environmental Sciences

EPA awards grants outside the Agency to academic institutions, state programs, the private sector, non-profit organizations and others to fund an impressive array of projects from laboratory research to local toxic spill cleanup. Within the ORD budget allocation, the National Center for Environmental Research (NCER) supports extramural research that complements EPA's own research areas, through competitive grants, fellowships, and its Small Business



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Innovative Research (SBIR) program. NCER's Science to Achieve Results, or STAR, grant program currently focuses on drinking water and water quality, pollution prevention using new technologies, the health effects of particulate matter, global change, children's health, ecosystem assessment and restoration, human health risk assessment, endocrine disrupting chemicals and societal implications.

The ASM commends the proposed FY 2012 increase of \$24.7 million for the STAR program which consistently generates innovative technologies and new scientific knowledge that strengthen the EPA mission. EPA also contributes to the nation's future technical workforce. Under the proposed FY 2012 budget, the Agency would distribute \$14 million for STAR Fellowships including support for an estimated 243 continuing fellows and 105 new STAR fellows. In addition, NCER supports tomorrow's scientists and engineers through its Greater Research Opportunities fellowships for graduate and undergraduate students and its People, Prosperity, and the Planet Program sponsoring undergraduate design competitions that are focused on sustainability. NCER receives approximately 2000–2500 proposals annually for its STAR grants and fellowships, of which only a small percentage can be funded.

S&T Funding Impacts EPA Protection, Present and Future

The EPA must be able to access the latest methods for risk assessment and monitoring to be effective. EPA's New Chemicals program relies on evolving technical tools to ascertain the potential risks of roughly 1,100 new chemicals, biotechnology products, and nanomaterials submitted each year for pre market review. The Pesticide Program's three laboratories not only assess chemical residues, but have had to develop test methods for products from genetically modified organisms, biothreat agents like the anthrax bacterium, and the efficacy of antimicrobials in controlling infectious pathogens in healthcare settings. EPA scientists developed assays for measuring pharmaceuticals and personal care products (PPCPs) in waters and biosolids, another example of emerging environmental threats that must be monitored using new or up to date methods.

The EPA's science and technology programs are the crucial base for effective oversight of the environment. We recommend that Congress increase EPA S&T programs to protect both human health and the environment.



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Submitted April 1, 2011 via e-mail to INApprop.Detailee@mail.house.gov

Testimony of the
American Society of Agronomy
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Soil Science Society of America
Karl Glasener
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Regarding support for U.S. Forest Service, U.S. Geological Survey, and U.S. Environmental Protection Agency in FY 2012 Appropriations

To the Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

On behalf of the American Society of Agronomy (ASA), Crop Science Society of America (CSSA), Soil Science Society of America (SSSA), I am pleased to submit comments in strong support of enhanced public investment in the United States (U.S.) *Forest Service*, *U.S. Geological Survey* and *U.S. Environmental Protection Agency* as critical components of federal appropriations for FY 2012 and beyond. **We urge the Subcommittee to support the Forest Service at a minimum level of \$6.4 billion in FY 2012; the U.S Geological Survey at a minimum level of \$1.2 billion in FY 2012, to accommodate the President's budget request; and the Environmental Protection Agency, Science and Technology appropriation account at \$846 million.**

ASA, CSSA, and SSSA understand the budgetary challenges that the House Interior and Environment Appropriations Subcommittee faces in FY 2012. We applaud the efforts of the Subcommittee to fund the *U.S. Forest Service*, *U.S. Geological Survey* and *U.S. Environmental Protection Agency* at the greatest levels possible.

U.S. Forest Service

The *U.S. Forest Service* sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Forest Service has five research and development (R&D) stations, 80 experimental forests & ranges, a forest products laboratory, two technology and development centers, and one geospatial service and technology center. *Soils are a vital component of forest management, and their understanding is essential to achieve the agency's strategic goals, yet vital programs that are essential for improved soil quality have been consistently underfunded. ASA, CSSA, and SSSA recommend that the Subcommittee appropriate \$6.4 billion in FY 2012 so that the Forest Service can adequately maintain the 193 million acres of national forests and grasslands in the U.S. for the unique and valuable services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and, scenic values.*

Forest and Rangeland Research

ASA, CSSA, and SSSA urge the Subcommittee to support funding for Forest and Rangeland Research (FS R&D) in FY 2012 at \$312 million to maintain the operation of essential programs during these challenging fiscal times.



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FS R&D Highlight

Soil is the natural filter, often overlooked, vital for healthy watersheds. Past investments in the Forest Service have yielded enormous benefits to society. Soil scientists annually provide critical soil resource information to **Burned Area Emergency Response** teams evaluating the environmental effects and developing rapid management responses for hundreds of wildfires. The NFS developed the CarbonPlus Calculator (http://nrs.fs.fed.us/carbon/local-resources/downloads/CCT_NRS13.pdf) to help land owners estimate their forest carbon dioxide (CO₂) emissions. The calculator provides tips on how to reduce carbon footprints and teaches users about the benefits of planting trees to absorb carbon.

Highlighting a Key FS R&D Program

The FS R&D Water, Air, and Soil strategic program area enables the sustainable management of resources by providing information on how to clean air and drinking water, protect lives and property from wildfire and smoke, and improve our ability to adapt forests to new weather patterns. *The program area studies ecosystem services with a high level of integration between water, air, and soil research.*

Forest Service R&D also manages 44% of U.S. forest and grassland fire research. The other 56% is funded through the **Wild land Fire Management** appropriation under the **National Fire Plan**, which we recommend maintaining at **\$23.9 million**, and under the **Joint Fire Sciences Program**, which we recommend maintaining at **\$8 million**.

National Forest System

ASA, CSSA, and SSSA support a funding level of \$ 1.7 billion, the level requested in the President's FY 2012 budget for the National Forest System. This level of support will enable maintenance funding for inventory activities and assessment of forest and grassland ecosystem services, information critical to understand the essential qualities of U.S. forest systems.

USDA Office of Environmental Markets

ASA, CSSA, and SSSA support appropriation of \$2 million to support the mission and goals of the **USDA Office of Environmental Markets (OEM)**. The OEM was established to support development of new opportunities for American agriculture and forestry through environmental services markets.

U.S. Geological Survey (USGS)

The **USGS** is uniquely positioned to address many of the nation's greatest challenges. The **USGS** plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing geospatial data to improve agricultural production, soil management, and crop adaptation. The **USGS** also provides the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The **USGS** is working in every state and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the **USGS** works with over 2,000 federal, state, local, tribal and private organizations.

USGS addresses a wide range of important problems facing the nation: natural hazards, global environmental change, water resources, waste disposal, and energy and mineral resources. The **Soil Science Society of America**, a member society to the **American Geological Institute**, was part of the development **Critical Needs for the Twenty First Century: The Role of the Geosciences** which lists seven critical needs followed by policy actions to help the nation meet these. With a burgeoning human population and rising demand for natural resources, we echo AGI's statements that "*it is critical to more fully integrate Earth observations and Earth system understanding into actions for a sustainable world. The USGS plays a prominent role in meeting national needs, while growing the economy, building a skilled workforce and ensuring a natural resource-literate public.*"



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The President's FY 2012 budget request for the *USGS* includes a decrease of \$15 million or 1.3% below the *USGS* budget request for FY 2011, and an increase of \$6 million or 0.5% above the FY 2010 enacted level. Although there is a \$6 million increase in the total *USGS* budget request for FY 2012 compared to the FY 2010 enacted level, the FY 2012 budget request contains significant cuts in many programs that are offset by increases in other areas.

For FY 2012, we recommend an appropriation of \$1.2 billion for the U.S. Geological Survey. Only a concerted effort maintain funding for USGS will produce the knowledge and tools needed to appropriately manage and meet the many challenges facing the nation's water, biological, energy, and mineral resources, while enhancing and protecting our quality of life.

U.S. Environmental Protection Agency

In order to fulfill its mission, the *U.S. Environmental Protection Agency* needs to maintain investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. **We recommend that the EPA Science and Technology appropriations account include \$846 million in FY 2012 to maintain and continue essential research investments.**

In order to fulfill its mission, *EPA* needs increased investments in both its intramural and extramural science programs as well as associated services such as environmental education and libraries. ASA, CSSA, and SSSA recommend that *EPA* increase investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach.

The *Office of Research and Development (ORD)* is the scientific research arm of *EPA*. The *ORD* funds and conducts essential research in pollution prevention; air, water, and soil dynamics; and management and behaviors to improve the way we use and conserve our resources.

To help enhance workforce development by recruiting outstanding scientists to participate in the *Science to Achieve Results (STAR)* program, ASA, CSSA, and SSSA ask the Subcommittee to place special emphasis on funding for this program and support the requested increase of \$24.7 million to support *STAR* grants. The *STAR* program has not only provided an outstanding source of research results during its tenure, it has also trained bright young minds to explore and expand the basic concepts behind environmental science and related innovations.

For the *National Estuary Program / Coastal Waterways program*, we recommend an appropriation of \$27.1 million. Finally, for the *Wetlands program*, we recommend an appropriation at the President's requested level of \$27 million, for FY 2012. The study of wetlands occurs under *EPA's ORD, Ecosystem Services Research Program (ESRP)*. The program emphasizes the study of wetland ecosystem services to provide the decision support tools needed to target, prioritize, and evaluate policy and management actions that protect, enhance, and restore the ecosystem goods and services provided by wetlands.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA-CSSA-SSSA), please visit www.agronomy.org, www.crops.org, or www.soils.org. You can also contact us via email (sciencepolicy@sciencesocieties.org) or phone: 202-408-5382.



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TESTIMONY

House Appropriations Subcommittee on Interior, Environment and Related Agencies Fiscal Year 2012

Submitted by Cathy Liss, President
March 28, 2011

The Animal Welfare Institute (AWI) respectfully requests that the House Appropriations Subcommittee on Interior, Environment and Related Agencies appropriate a total of **\$88.1 million to the U.S. Fish and Wildlife Service (FWS) including an additional \$45 million to increase and expand activities of the Office of Law Enforcement (OLE), \$26.2 million for special agents, \$3.1 million for ports of entry, and \$5 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory, and \$8.8 million to explore the potentially devastating effects of White Nose Syndrome on bats.** The Administration's FY12 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to maintain language to preserve and protect wild horses and wildlife.

Office of Law Enforcement: The Administration's FY12 budget proposes a decrease in funding to one of the most important lines of defense for America's wildlife, the FWS Office of Law Enforcement (OLE). Even those who may not concern themselves with wildlife are reaping benefits as OLE protects against smuggling illegal substances from invasive species to contraband and even helps to thwart potentially devastating human health threats. Still, each year, OLE is increasingly underfunded and understaffed, placing the public at greater danger unnecessarily. **AWI requests an additional \$45 million dollars be allocated to the FWS to increase and expand the activities of OLE in its critical role combating wildlife crime.** Currently, OLE is tasked with enforcing and implementing over a dozen federal wildlife and conservation laws that frequently impact both domestic and global security.

It is disheartening that the new budget proposals have chosen to decrease funding to such an imperative office and its programs in the wake of success. Year after year, OLE protects the public against the illegal trade in wildlife and wildlife products, which is third only to the illicit trade in narcotics and weapons in terms of revenue generated globally, and despite the fact that the U.S. remains a source of, or destination for, much of this contraband. Congress must act rapidly to make available those funds that are crucial to OLE, its programs, and the safety of the American public.

Fish and Wildlife Service Special Agents: Staff tasked with enforcement of U.S. wildlife laws risk their lives in an effort to protect our nation's wildlife. In FY10, FWS agents pursued over 13,490 investigations resulting in over \$3.4 million in fines, 76.7 years of jail time for the perpetrators, and 299.6 years of probation.¹ FWS cases documented illegal trafficking in U.S.

¹ *Law Enforcement at a Glance*. Office of Law Enforcement. U.S. Fish and Wildlife Service. February 2011.

leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, FWS agents, together with the Royal Thai Police, broke up an illegal ivory trading ring, spanning three continents. The case, to date, has secured the U.S. indictment of two individuals and four criminal arrests in Thailand, as well as seizures of elephant tusks and carved ivory in both countries. This case produced 23-plus indictments and had the potential of prison terms for both defendants totaling 78 years. This impressive record merits advancement and proper funding. FWS Special Agents have proven time and time again their work deserves funding levels beyond the Administration's FY12 budget proposal, to aid in the reduction of illegal trade in wildlife and wildlife products, which continues to imperil wildlife species in the U.S. and around the world.

Currently, there are only 202 FWS agents responsible for the enforcement of federal wildlife laws throughout the entire U.S. This number is only 7 more than in FY10, which was 6 fewer than existed in FY09. **There are 52 agent vacancies. AWI respectfully requests an additional \$14.2 million to fill these 52 agent vacancies and an additional \$12 million to ensure sufficient operational funds for existing agents and for those hired in the future.**

Port Inspectors: Keeping our ports and boarders secure remains America's single best opportunity to prevent potential attacks. Whether intercepting bioterrorism agents or uncovering security threats, FWS Port Security, along with U.S. Coast Guard, Department of Homeland Security, and other agencies involved, holds the daunting task of keeping our nation safe. The noble individuals employed by these agencies are charged with precluding a wide variety of potentially disastrous threats, including: minimizing illegal contraband shipments, often transported in body cavities of vicious species; uncovering smuggled goods and illegal trade rings at the border, which include products of severely endangered species; and thwarting national and global health risks by shielding the American public from the disease and safety risks associated with importing non-native species (e.g. avian flu, and foot and mouth disease).

The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. Recently, FWS port agents, together with the National Oceanic and Atmospheric Administration, Immigration and Customs Enforcement, and U.S. Customs and Border Protection, uncovered shipments originating from the Virgin Islands containing protected black coral (CITES Appendix II). Black coral when removed, threatens the marine ecosystem and damages the habitats of several species. This case resulted in the arrest and conviction of two Taiwanese nationals on nine counts of conspiracy, including conspiracy, false statements, and violations of both the Endangered Species Act and the Lacey Act. It is critical that these programs remain fully funded to protect domestic and international wildlife, and to ensure our nation's safety through hiring and training staff at each designated U.S. ports of entry. **AWI requests an additional \$3.1 million for the ports of entry.**

The Clark R. Bavin National Fish and Wildlife Forensics Laboratory: The successful outcomes stated previously would not have been possible without the essential work of the FWS forensic laboratory, used by FWS agents and inspectors to gather hard evidence in wildlife crime cases. The lab uses state-of-the-art science, along with years of institutional knowledge, to identify wildlife products by species, determine the cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. The lab and its personnel worked diligently in 2009 to clear a nearly seven-month computer case backlog but remain challenged in tackling the one to five month hard case backlog. The Bavin Laboratory

desperately needs to hire and train essential staff to help alleviate some of the backlog, which has delayed investigations and potential prosecutions by FWS investigators, inspectors, and federal prosecutors.

All 50 states and the 175 Convention for International Trade in Endangered Species (CITES) member countries depend on this facility to prosecute their wildlife crimes; however, this partnership is jeopardized by the lab's inability to churn out timely results. **To reduce both staffing shortages and existing analytical workload and backlog, \$5 million is requested for the lab, including \$1 million to fill the eight essential vacancies.** A timely hire is crucial to train second generation forensic morphologists prior to the departure of current staff. Such funds would also allow for the construction of a new building to house the lab's comparison standards collection (\$3.5 million).

Wild Free-Roaming Horses and Burros Act: The wild horse is as much a symbol of American heritage as the image of Uncle Sam and baseball. Currently, America's wild horses are subject to mistreatment by the Bureau of Land Management (BLM), which misuses most of its budget to round up and warehouse wild horses and burros without credible evidence supporting the need for such removals. Furthermore, the BLM has failed to consider wild horses and burros "comparably" with domestic livestock as required by law when making management decisions reflecting a bias within the BLM in favor of privately owned cattle. Wild horses have been removed from over 20 million of the 52 million acres allocated to them by Congress. Since 2004, wild horses have been at risk of being sold to killer-buyers who make a profit by sending horses to slaughter for human consumption. Forty years ago this year, Congress acted on behalf of these wild animals to protect their natural habitat and lifestyle. It is now time for Congress to act again to ensure these animals are neither sent into long-term holding facilities nor sentenced to slaughter. **AWI requests that (1) "no-kill" language be maintained to ensure the BLM does not kill healthy wild horses and burros; and (2) Congress not provide any increase to the BLM budget and defund all but emergency round ups until a comprehensive review of the wild horse program is completed by the National Academy of Science.**

White Nose Syndrome in Bats: Since the discovery of what is now known as White-Nose Syndrome (WNS) on bats in a cave in Albany, NY, in 2006, over a million hibernating bats throughout the eastern U.S. have died—with some hibernacula (caves and mines where bats hibernate) experiencing 95-100 percent mortality—and the problem has been moving quickly across the country. With its spread to Indiana and North Carolina just this year, WNS or the fungus believed to cause it, *Geomyces destructans*, has now been detected in 16 states and 2 Canadian provinces.

WNS induces hibernating bats to wake more often, thus using up fat reserves needed to survive the winter. They go out in search of insect food sources that are not yet available, and freeze or starve to death. Hibernating bats constitute 25 of the 46 bat species found in the U.S., and scientists believe that because WNS has so far affected every hibernating bat species in its path, any such bat species is at risk. Thus, states not yet affected are bracing for its arrival.

This die-off is an unprecedented animal welfare, environmental, and economic disaster. Bats play a crucial role in the ecosystem, including pollinating crops and consuming insects that pose a threat to human health and agriculture. The million bats that have been lost could have consumed nearly 700 tons of insects each year. The loss of bats as natural

crop pest predators will necessitate more pesticide use, at greater cost to farmers, consumers, and the environment. A consensus statement issued in May 2009 by a group of scientists and wildlife managers working on this problem calls WNS “the most precipitous decline of North American wildlife in recorded history.” They fear it could wipe out some endangered bat species and cause others to be listed, a development that could have serious economic consequences for such industries as mining, energy development, and tourism.

Federal agencies are playing a central role in the WNS response. As noted in the Green Budget, the U.S. Fish and Wildlife Service (FWS) is the lead agency, providing funds to state wildlife agencies to assist with their WNS response and coordinating the nationwide effort to combat the disease. USFWS cochairs an interagency committee whose task is to “provide oversight across participating state and federal agencies and tribal government to ensure consistency and coordination in management action, policy interpretation, communication, and collection of scientific information related to WNS.” The U.S. Geological Survey (USGS) is conducting research vital to understanding this previously unknown disease. For example, two scientists at USGS’s National Wildlife Health Center recently published a breakthrough paper on WNS, finding that “damage to bat wings from the fungus...may cause catastrophic imbalance in life-support processes.... Physiological problems caused by the novel fungus may, in fact, represent a completely new disease paradigm for mammals...” (USGS press release 12/15/10). The National Park Service (NPS), Bureau of Land Management (BLM), and U.S. Forest Service (USFS) are monitoring and surveying bat populations on their lands, managing and closing caves, implementing decontamination measures with visitors, improving bat habitat, and educating the public about WNS, among other activities.

We recognize that this is a difficult budget year. However, the urgency of the need to get this disease under control and avert an even bigger ecological and financial catastrophe later cannot be overstated. **We respectfully ask Congress to provide the following funding: FWS—\$5.2 million; USGS—\$2.4 million; NPS—\$200,000; and BLM—\$1 million, which should be redirected from the BLM’s wild horse round-ups.**

National Park Service Lethal Management of Native Wildlife: **National Park Service lethal management of native wildlife:** In the past five years, the National Park Service (NPS) has significantly expanded its lethal control of native ungulates in contravention of its own legal mandates. During this time, the NPS has initiated lethal control of ungulates in a number of national parks (e.g., Valley Forge, Catocin) and is considering similar efforts in other parks (e.g., Indiana Dunes, Rock Creek). In each case, the NPS has misapplied its own statutes and policies and has failed to provide any credible site-specific data to justify its heavy handed strategies. Though even the NPS concedes that ungulates are keystone herbivores, it is unwilling to allow ungulates to naturally influence ecosystem structure and function as its own statutes and policies require. Therefore, AWI requests that the following language, which, if accepted, would save taxpayer dollars, into the House Interior Appropriations bill:

No funds appropriated under this legislation shall be expended by the National Park Service to lethally control or kill native ungulates nor shall the National Park Service permit any entity, public or private, to kill said ungulates in Valley Forge National Historical Park in Pennsylvania and Catocin Mountain Park in Maryland.

Thank you for your consideration of our comments.

Outside Witness Testimony
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Statement by: David N. Startzell
Executive Director
Appalachian Trail Conservancy

Date: March 31, 2011

Dear Mr. Chairman and Members of the Subcommittee:

In behalf of the Appalachian Trail Conservancy (ATC), for reasons described below, I am requesting a **Fiscal Year 2012 appropriation from the Land and Water Conservation Fund** in the amount of **\$1,380,000** for the **National Park Service** and **\$9,200,000** for the **USDA Forest Service** for the acquisition of lands and interests in lands surrounding or bordering the **Appalachian National Scenic Trail** in the states of **Vermont, Pennsylvania, Tennessee (Cherokee NF), and North Carolina (Pisgah NF)**. In addition, we are requesting appropriations under the **Forest Legacy** program for the **USDA Forest Service** totaling **\$8.73 million** for two land-conservation projects in the state **Maine**.

Background: The Appalachian Trail (A.T.) is America's premier long-distance footpath. Initially established between 1923 and 1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained Federal recognition in 1968 with the passage of the National Trails System Act. Amendments to that act in 1978 expanded the authorization for Federal and state land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the Subcommittee and the Congress as a whole, the Appalachian National Scenic Trail land-acquisition program of the National Park Service and USDA Forest Service has become one of the most successful land-conservation efforts in the nation's history with the acquisition of more than 193,000 acres, more than 3,378 parcels, in fourteen states. Today, only approximately five miles of the 2,181-mile Appalachian Trail remain to be protected through public ownership.

Resource Characteristics: The Appalachian Trail is a 2,181-mile footpath extending along the crests and valleys of the Appalachian Mountains through fourteen states from Maine to Georgia. Often characterized as a "string of pearls," the trail, which is administered as a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 state parks, forests, and game-management units. With an estimated two million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top ten units from the standpoint of natural diversity with more than 2,200 documented occurrences of federally- and state-listed rare, threatened, or endangered species at more than 500 discrete sites.

The Appalachian Trail is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 30s, volunteers affiliated with

the Appalachian Trail Conservancy have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as privies, improved campsites, bridges, signs, and parking lots. In 2010, for example, 6,128 volunteers contributed more than 213,900 hours of labor along the trail. As an outgrowth of an agreement between the National Park Service and ATC, the Conservancy has accepted management responsibility for most lands acquired by that agency along the trail. ATC, through its network of 31 club affiliates, is now responsible for virtually all phases of “park” operations, ranging from trail and facility maintenance and construction to lands and resources management to visitor education and services. ATC also provides ongoing, volunteer-based stewardship for other trail lands, totaling more than 250,000 acres.

Need for Appropriations: As noted previously, while the Appalachian National Scenic Trail protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nevertheless, a number of critical parcels are now “ripe” for land acquisition from willing sellers and we are seeking FY'12 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

Chateaugay-No Town Project, Vermont. This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont, to be acquired in fee-simple and an additional 81.39-acre parcel in Pomfret, Vermont, to be placed under a conservation easement. Negotiations have been spearheaded for several years by The Conservation Fund. The four properties straddle more than one-and-one-half miles of the Appalachian Trail in an area where earlier acquisitions by the National Park Service provided only a narrow buffer for the footpath. They include a high-value wetland complex and feeding habitat for migratory birds, black bears, and moose as well as the headwaters of the Locust Creek watershed, a Vermont Class A stream. The fifth, easement parcel is situated on a hillside adjacent to and above the trail in the Town of Pomfret that is under threat of residential subdivision. A partial appropriation for this project was included in the FY'10 interior-appropriations bill and, in March 2011, the National Park Service acquired a portion (631 acres) of the affected properties. ATC and The Conservation Fund are requesting second-installment funding for this project in **FY'12 of \$1.25 million for the National Park Service.**

Hauser Tract, Pennsylvania. This project affects a 172-acre farm property in Carbon County, Pennsylvania, situated on the north slope of Kittatinny Ridge adjacent to the Appalachian Trail. The property also borders Pennsylvania Game Commission lands, the Lehigh Gap Nature Center, and a Pennsylvania Turnpike tunnel. It also includes the state's largest native grassland habitat and is highly sought after by the Pennsylvania Department of Conservation and Natural Resources (PA-DCNR) as part of its Pocono Forest and Waters Conservation Landscape Initiative. We are requesting an **FY'12 LWCF appropriation of \$255,000 for the National Park Service** to acquire this parcel.

Rocky Fork, Tennessee/Cherokee National Forest. In mid-December, 2008, the USDA Forest Service acquired approximately 2,200 acres of this 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina, and adjacent to Interstate 26. The Conservation Fund provided bridge funding to acquire the balance of the property in anticipation of future sale to the Forest Service and the State of Tennessee. The property includes many game and non-game wildlife values, including 16 miles of “blue-ribbon” trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also includes 1.2 miles of the Appalachian National Scenic Trail and its acquisition will permit future construction of a three-mile relocation to provide a much-improved alignment for the footpath. Total costs for the acquisition were approximately \$43 million and ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to complete the overall funding package for the project. Substantial portions of the property already have been acquired from previous year appropriations. ATC and The Conservation Fund are requesting an **FY'12 LWCF appropriation of \$ 5 million for the USDA Forest Service** as “final installment” funding to acquire the remaining approximately 1,190 acres of the property.

Rich Mountain, Tennessee/Cherokee National Forest. This 100-acre privately-owned in-holding is situated in the northwest corner of the Rocky Fork property (see above) and unfortunately was carved out by New Forestry, LLC—the previous owners of the Rocky Fork property—at the time the remainder of the property was sold to the Forest Service and The Conservation Fund. It includes the highest point of land for the overall property as well as prominent cliffs locally known as Buzzard Rock. The cliffs are only a short distance from the Appalachian Trail through a high elevation health bald. The property provides sweeping views of the Sampson Mountain Wilderness and northeast Tennessee/southwest Virginia. ATC is requesting **an FY'12 LWCF appropriation of \$450,000 for the USDA Forest Service** to acquire this critical in-holding.

Shook Branch, Tennessee/Cherokee National Forest. This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The Appalachian Trail currently follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the Forest Service to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting **a FY'12 LWCF appropriation of \$890,000 for the USDA Forest Service** to acquire the property at appraised value.

Ripshin Tract, Tennessee/Cherokee National Forest. This 392-acre property is situated below the cliff-top viewpoints from the Appalachian Trail on Little Bald Knob, west of Ripshin Lake, in the Cherokee National Forest. The property encompasses the headwaters of Roaring Creek and is adjacent to the Moffett Laurel Botanical Area. It contains habitat and breeding grounds for the bog turtle—a state threatened species as well as six other state-listed plants and animals. ATC is requesting **an FY'12 LWCF**

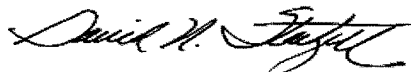
appropriation in the amount of \$1,710,000 for the USDA Forest Service to acquire the property.

Roan Mountain National Trails Tract, North Carolina/Pisgah National Forest.

Acquisition of this 136-acre property will protect the viewshed of both the Appalachian Trail and the Overmountain Victory National Historic Trail (OVNHT) near their intersection in the Highlands of Roan. The property provides outstanding views of Yellow Mountain Gap and the Roaring Creek valley, contains numerous waterfalls, and supports nesting populations of both golden-winged warblers and native brook trout. The property also likely provided a campsite during the Revolutionary War when, in 1780, the Overmountain Boys marched to Kings Mountain to confront and defeat the British army. ATC is requesting an **FY'12 LWCF appropriation of \$1,200,000 for the USDA Forest Service** to acquire the property.

High Peaks Conservation Project, Forest Legacy, Maine. ATC is supporting a request from the State of Maine and the Trust for Public Lands for funding through the FY'12 Forest Legacy program to support the acquisition of interests in lands affecting 17,000 acres in western (Franklin County) Maine in two separate projects—Crocker Mountain and Orbeton Stream. The Crocker Mountain project includes approximately 11,800 acres containing three of the highest peaks in the state. The property also is home to Eastern brook trout, lynx, marten, and snowshoe hare and contains 25 percent of the global population of the state-listed endangered Roaring Brook mayfly. The property borders a ten-mile section of the Appalachian Trail and also includes a three-mile segment of Route 115—a prominent segment of the state's Interconnected (snowmobile) Trail System (ITS) and four miles of state-sanctioned ATV trails. The property also provides numerous opportunities for hunting, fishing, hiking, and cross-country skiing as well as a productive timber stand that the state's Bureau of Public Lands will manage on a sustainable basis. The 5,800-acre Orbeton Stream property includes a productive timber stand and a critical six-mile link in the state's ITS snowmobile system. It is in the foreground viewshed of the Appalachian Trail and it also has been designated a high priority within the state's wildlife action plan. The entire parcel also has been identified by NOAA as a critical habitat for the federally listed Atlantic salmon. ATC is requesting a total **FY'12 appropriation of \$8.73 million** (\$7 million for Crocker Mtn. and \$1.73 million for Orbeton Stream) through the **Forest Legacy** program.

Thank you for the opportunity to submit this testimony and for your consideration of our request.



David N. Startzell, Executive Director
Appalachian Trail Conservancy



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March 15, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

Sincerely,

/s/Frank N. Perkins, Units 4&5 Plant Manager

Contact: (phone 505-598-8668, fax 505-598-8742, and email: Frank.Perkins@aps.com)



**Hearing before the House Subcommittee on Interior, Environment,
and Related Agencies regarding the FY 2012 Budget**

**Testimony of Marie Carroll, President and Chief Executive Officer
for Arctic Slope Native Association**

The Arctic Slope Native Association ("ASNA") hereby joins the call of other tribal contractors across the country for full appropriations to cover the obligations of the Indian Health Service and the Bureau of Indian Affairs to pay full contract support costs when Tribes like ASNA contract to operate IHS and BIA facilities and services. The total requirements to meet these legal obligations are \$615 million for IHS contract payments and \$228 million for BIA contract payments. The FY 2012 proposed Budget should be adjusted to meet these required levels.

ASNA has long suffered from contract underpayments, dating back to when ASNA first began contracting with IHS.

In 1996 ASNA was awarded a contract to operate IHS's Samuel Simmonds Hospital in Barrow, Alaska. That hospital serves all the Tribes of the North Slope of Alaska. As soon as contracted hospital operations started, IHS refused to pay us the full amounts due under the law to operate the Hospital. IHS said it did not have the money to pay us. As a result, over the years Hospital operations suffered. We believed IHS and we made the cuts we had to make in hospital operations to cover IHS's shortfall, only to learn years later that IHS had the money all along (we learned this from the Supreme Court *Cherokee Nation* case).

Today, we are fighting to recover damages for the amounts that IHS should have paid us. We have several appeals pending before the Contract Appeals Board and the Federal Circuit Court of Appeals totaling \$7,529,334.

But IHS continues to violate the law. In FY 2010 we ended the year with over \$900,000 left unpaid by IHS, and we expect to suffer at least the same shortfall this year too. So once again, services will remain cut to make up for IHS's failure, since these contract support costs are all fixed costs like insurance and auditing costs that we have no choice but to pay. Our people will suffer again.

The same is true with the BIA, which this last year again failed to pay ASNA's contract support cost requirement in full.

When the IHS and the BIA hire us under contract to operate their programs the agencies have a duty to pay us promptly and in full, just like any other contractor. But the two agencies keep underpaying us, year after year. We should not be treated like “second class contractors” just because we are Native American contractors. If anything, the government’s trust responsibility to provide health care and social services to our people ought to compel these agencies to be more respectful of their contract obligations, not less. Instead, they have shifted the cost of the contracts to our people, forcing cuts in health care, educational assistance, child welfare assistance—the list goes on and on. That is unconscionable.

Fulfilling the contractual requirement to pay contract support costs also means vacant positions can be filled. Last year the Administration and Congress supported an unprecedented increase in CSC payments to partially offset the shortfalls we have suffered. ASNA’s shortfall dropped by \$466,204, and we used those funds to add six direct patient care positions, including a certified coding technician vital to billing the Medicare and Medicaid systems and other third-party payors, a patient case management assistant, a deputy director for our dental program, an RPMS site manager, a nurse, and a patient support coordinator. Even still, 16 positions remain unfilled.

ASNA asks that Congress take the necessary final steps this year to at long last end the persistent shortfalls Indian country suffers in the payments of our contracts and self-governance compacts.

**Testimony to the House Appropriations Subcommittee on
the Interior, Environment, and Related Agencies
on FY12 funding for the National Endowment for the Humanities**

Submitted by Robert M. Berdahl, President of the Association of American Universities

March 31, 2011

Dear Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

On behalf of the Association of American Universities (AAU), an organization of 61 leading U.S. public and private research universities, I appreciate the opportunity express strong support for the National Endowment for the Humanities (NEH). AAU urges Congress to continue funding the NEH at the FY10 final funding level of \$167.5 million. In particular, we remain committed to maintaining existing funding levels for the core competitive programs within the endowment.

It is important that Congress take steps to reduce federal spending and address the nation's growing debt. We need to do this in a smart way, allocating money in a manner that gives us the best chance of improving our future. Unfortunately, deficit-reduction efforts have thus far focused almost exclusively on non-security, domestic discretionary spending – which is approximately one-sixth of the budget, yet includes most of the federal government's priority spending for long-term economic growth and prosperity. Reducing the federal deficit in FY11 and beyond cannot, and should not, fall solely on non-security, domestic discretionary spending. Serious deficit reduction efforts must put the entire federal budget on the table, including entitlements and defense spending, and additional revenues generated through tax reform and measures to improve economic growth. Efforts to reduce the federal deficit in FY11 should not preclude prudent federal spending, such as the core competitive research NEH programs, which will pay dividends into the future.

We believe that there is a legitimate federal role in supporting the humanities as a strategic national priority. Federal support of the humanities complements federal investments in the sciences and engineering. Our nation's long-term economic success depends on cultivating a broadly-educated workforce ready to compete in a knowledge-based, global economy. The humanities programs funded by the Endowment represent the core fields of knowledge and capacities that enrich individuals, provide a foundation for success in a wide range of careers, undergird our civic institutions, support strategic national interests, and help advance sound public policymaking in addressing the challenges of the 21st century. The high-quality projects supported by the NEH reach millions of Americans each year.

NEH Funding and Core Competitive Programs

For FY12, the President's budget would cut the Endowment to \$146.3 million, a reduction of \$21.2 million (12.7 percent) from FY10 levels, with a disproportionate cut of 16 percent for program funds that support the core competitive national grants. These grants represent the pool of funds that support peer-reviewed, competitive grant opportunities for a wide range of

educational institutions, non-profit organizations, and individual scholars around the country. They encompass NEH core programs, divisions, and special initiatives: Research, Education, Preservation & Access, Challenge Grants, Public Programs, The Office of Digital Humanities, and *Bridging Cultures*.

These highly competitive grants are renowned for their quality. NEH was able to fund only 16 percent of the competitive proposals it received in FY10. Funding erosion for core competitive funds would continue to have a significant impact on the Endowment's ability to support humanities research and education into the future. Over time, the combined impact of budget cuts and inflation has reduced the number, diversity, and buying power of grants provided by the NEH, directly impacting faculty, researchers, students, and the broader public. This translates into real consequences not only for continuing efforts to understand and highlight our history, culture, and civic values, but also for our economic competitiveness and national security, as our most pressing and complex problems worldwide will not be solved by science alone. In fact, most scientists and engineers believe in the essential role of the humanities in higher education, as their undergraduate and graduate liberal-arts courses amplified their effectiveness later as a scientist or engineer.

It is misleading to assume that colleges and universities or private funding sources will be able to compensate for cut in federal funds. The recent financial crisis and subsequent recession continue to have a significant impact on public and private colleges and universities across the country, including budget cuts, hiring freezes, staff layoffs, course reductions, and more. Institutions are struggling to maintain continued access to high-quality programs, a struggle that is particularly evident in the humanities disciplines.

In addition, foundation support for the humanities has slipped since 2005. Approximately \$12.34 billion was raised for arts, culture and the humanities in 2009, a drop of 8.7 percent from 2005. Gifts to arts, culture and humanities organizations comprised only four percent of the total estimated giving in 2009. The humanities community is concerned about not only the overall reduction in foundation support, but also the declining share of foundation giving in the humanities compared to overall giving. In addition, there has been a long-term shift away from funding for scholarship and core disciplines and toward funding for public programming. These funding trends are of particular concern to AAU because of the unmet need and rising debt assumed by humanities students.

Continued Funding Erosion for Core Programs

Within the NEH core competitive programs, AAU is particularly focused on the research and education division. The Summer Seminars and Institutes, which support national faculty development programs in the humanities, are located in the education division. These programs provide a critical forum for leading scholars and faculty to deepen their knowledge of current scholarship in the key fields of the humanities. Similarly, Faculty Humanities Workshops support local and regional professional development programs that allow faculty and scholars to engage in collaborative study. Within the research division, several programs, including Summer Stipends and Fellowships, support individuals or teams of two or more scholars (not including

graduate students) pursuing advanced research that will contribute to scholarly knowledge or to the public's understanding of the humanities.

With respect to research, one of the problems that humanities researchers and scholars face is that the reinterpretation and other scholarly work that often defines the work of humanists and often culminates in new discoveries, as in the sciences, does not fit the traditional concept of research. AAU is working with the humanities community to find ways to better communicate humanities research and how it both resembles and differs from scientific research. NEH research programs facilitate the transfer of new knowledge among faculty, students, and the broader public.

AAU continues to support efforts to better engage humanities graduate students. The NEH does not currently support graduate research in the humanities. While the National Institutes of Health, National Science Foundation, Department of Defense, Department of Energy, and National Aeronautics and Space Administration, among others, have graduate education components that complement the agencies' research, the NEH stands as one of the few federal agencies that does not support or train the next generation of researchers or support collaboration between students and faculty. While the NEH did at one time fund a small dissertation fellowship program, it was defunded when the agency was cut significantly in the mid-1990s.

Last year we proposed, in conjunction with the broader humanities community, the creation of a new competitively-awarded, graduate student-faculty program to simultaneously expand scholarship in key areas of inquiry, support the critical education of graduate students in the conduct of research, and bring faculty and graduate students together in the kind of collaborative arrangements that have long characterized the sciences. The new program was designed to build on the Endowment's 2009 decision to allow graduate students to participate in the NEH summer seminars. We plan to revisit the proposal more formally in future years. We believe that NEH is uniquely positioned to promote a higher level of collaboration between faculty and graduate students in a manner that helps to supply our nation with the talented and knowledgeable individuals who will contribute to a culturally-competent workforce.

AAU Universities and the Humanities

As a follow-up to the 2004 report, AAU encouraged its members to convene roundtable discussions on emerging trends and best practices in the humanities. While many institutions had been actively engaged in these discussions for some time, the AAU report provided a focal point for the deliberations among campus constituencies. These campus efforts culminated in a national convocation with the American Council of Learned Societies in 2006, which brought together university, association, federal agency, and congressional leaders to discuss the appropriate role for the humanities in meeting today's challenges.

These discussions continue today both on campuses and at the national level. Several AAU university presidents, for example, will serve as members of the Commission on the Humanities and Social Sciences, which was established recently by the American Academy of the Arts and Sciences, per the bi-partisan request from Senators Lamar Alexander (R-TN) and Mark Warner (D-VA) and Representatives Tom Petri (R-WI) and David Price (D-NC). AAU and its members

look forward to working with the Academy on this effort to identify the top actions that Congress, state governments, universities, foundations, educators, and others can take to maintain national excellence in the humanities and social sciences, and to achieve long-term national goals for our intellectual and economic well-being.

Bridging Cultures: A Link between the Humanities and National Security

It is important that the nation recognize the link between the humanities and national security issues, as we strive to improve our armed services' understanding of the social, cultural, behavioral, and political forces that shape the views of regions of the world of strategic importance to the U.S. Indeed, analysts in the major national intelligence and security agencies are to a great extent humanists and social scientists. As NEH Chairman Jim Leach stated in his address to the College Art Association Centennial Convocation in February 2011, "In public policy, inadequate attention to cultural issues can cost lives as well as money...There are, of course, costs to all public programs, but the cost of not supporting some could be far higher. Just as we need an infrastructure of roads and bridges, we need an infrastructure of ideas. In a splintered society, bridging cultures may be our most difficult challenge." The FY12 budget would devote \$4 million to the Chairman's *Bridging Cultures* initiative, designed to renew and reinforce the bridges between the different cultures and viewpoints that are part of the fabric of American life. Beginning in the spring of 2011, eight pilot-project grantees will host regional public forums at venues across the country, focused on the role of civility in our democracy and the history and culture of Muslim societies. AAU applauds the attention on the need for a civil discourse in American life, with the hope that colleges and universities can play a role in facilitating this in the coming years.

Conclusion

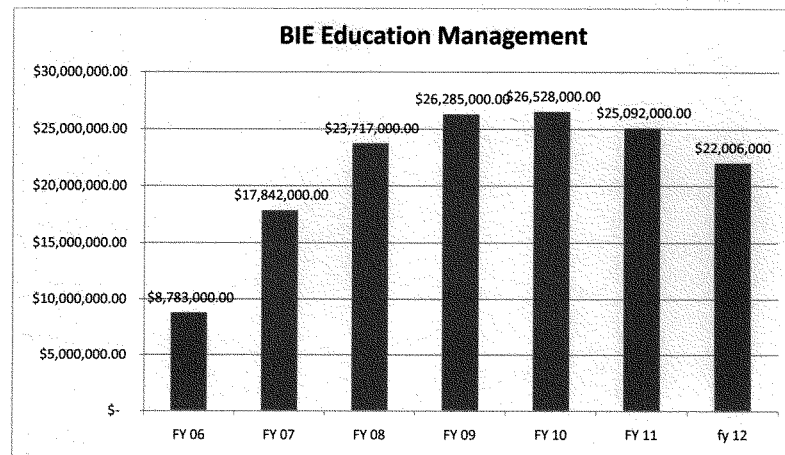
AAU encourages the Subcommittee to take seriously the importance of the humanities in our society today. NEH helps colleges and universities around the country ensure that the humanities remain central to their missions and to the cultural life of the nation. NEH, as the largest federal supporter of the humanities, broadens public awareness of and participation in the humanities through teaching, scholarship, and research. Along with the larger humanities advocacy community, AAU encourages Congress to continue funding the NEH at the FY10 final funding level of \$167.5 million to maintain our nation's capacity to address complex challenges by advancing an educated and competitive workforce.

My name is Dr. Roger Bordeaux, Executive Director of the Association of Community Tribal Schools Inc. (ACTS). I have been a Tribal School Superintendent for 20 years and the Executive Director for 25 years.

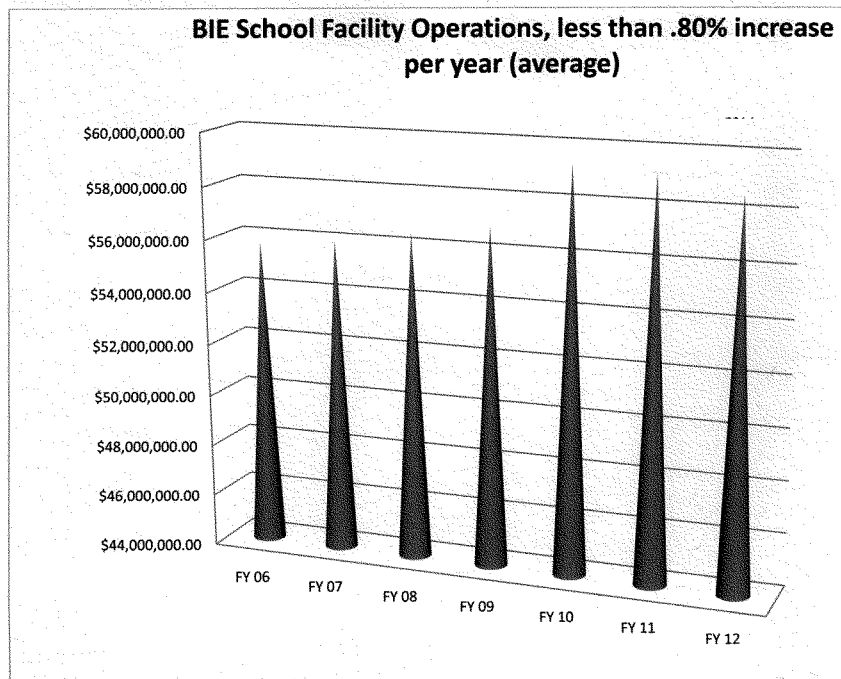
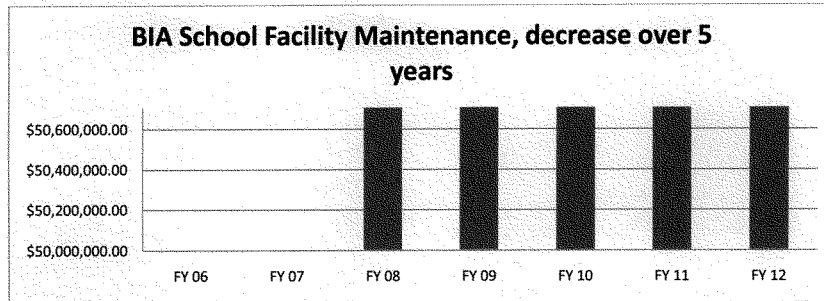
The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are over 28,000 students in tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico.** ACTS represents a significant number of the over 125+ tribally controlled elementary and secondary schools. The schools have over 28,000 tribal children enrolled in pre-k-12 programs. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

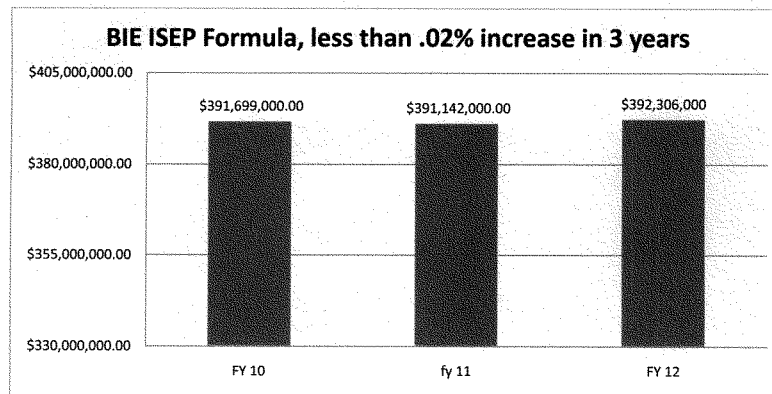
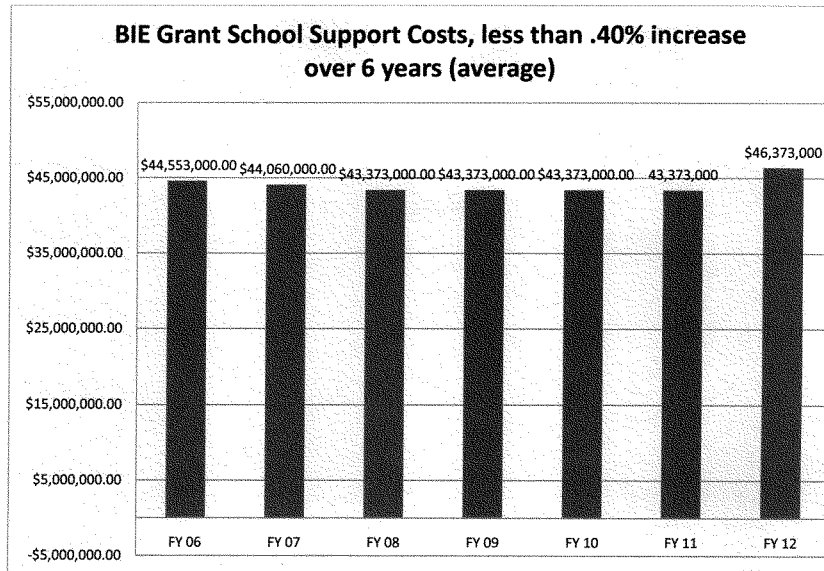
There was no equity in the appropriations over the last 10 years. BIE Education Management, ISEP Program Adjustments, and Education Program Enhancements have grown by over 200% while the appropriations for all School Based Programs have stayed relatively stagnant.

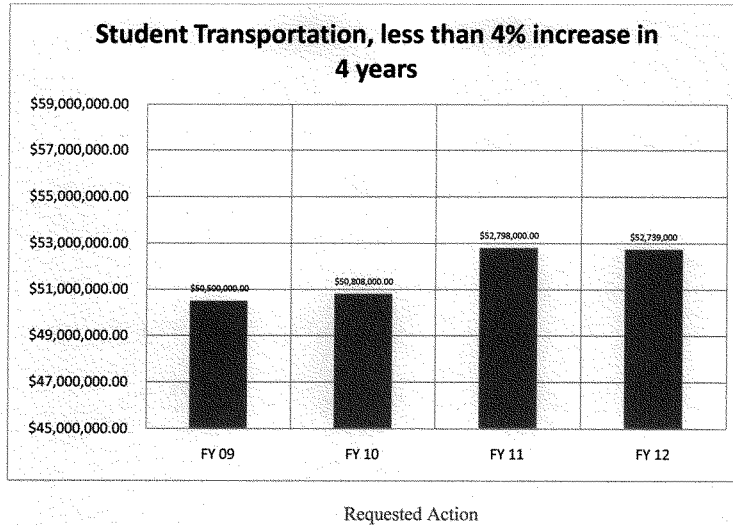
The following charts illustrate the inequity:



This chart does not include an additional \$ 10,000,000+ or at least 5%, the BIE uses for Education Program Management from Department of Education program funds and other BIA Management funds.

School Based Program Funds





1. Restore Residential Education Placement Program funds, \$ 3,760,000. This Program Element provides funding for BIE eligible students who are temporarily place in residential facilities for Special Education, Alcohol/Drug abuse, and Court Ordered placements. If there is a need to find funds, DO NOT give BIE an additional \$ 3,900,000 for ISEP Program Adjustments.
2. Restore the Construction – Education Construction Activity to the FY 2010 levels. The BIA reports a \$ 70,000,000 annual facility deterioration rate and also reports a \$3.4 billion school replacement need. The schools will not be able sustain a \$ 61,000,000 cut from Education Construction.
3. Decrease (these funds are currently used to control the schools and hamper progress, the BIE uses these funding Program Elements to dictate what schools what they should do to improve assessment scores based on AYP requirements, and has nothing to do with school improvement, funds should be rolled into ISEP, Transportation, Facility Operations, Facility Maintenance, and Tribal Grant Support Costs):

BIE-Elementary/Secondary Programs-ISEP Program Adjustments	\$ 7,238,000
------------------------------------------------------------	--------------

BIE-Elementary/Secondary Programs-Education Program Enhancements	\$ 12,067,000
BIE-Elementary/Secondary Programs-Education Management	<u>\$ 5,000,000</u>
Total	\$ 24,305,000

4. **Increase** (based on BIE generated needs formulas):

BIE-Elementary/Secondary Programs-Facility Maintenance	\$ 3,254,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	\$ 18,627,000
BIE-Elementary/Secondary Programs-Facility Operations	\$ 30,737,000
BIE-Elementary/Secondary Programs-ISEP Formula Funds	\$ 112,858,000
BIE-Elementary/Secondary Programs-Student Transportation	<u>\$ 6,212,000</u>
Sub-Total additional need for nearly 43,000 children	\$ 171,688,000
Less requested decrease	<u>\$ 24,305,000</u>
Total requested increase for FY 12	\$ 147,383,000

5. **Eliminate the following Administrative Provisions language** to allow current schools to expand grade level offerings and allow tribes to apply to operate a Grant School:

- "Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995."

6. **Change language, with insert,** to allow additional appropriations for Tribal Grant Support Costs:

"Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$46,373,000 \$ 65,000,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year [2009]2010 for the operation of Bureau-funded schools, and up to [\$500,000]\$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, [2009]2010, of Bureau-funded schools"



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

The voice of fish and wildlife agencies

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Ron Regan, Executive Director
Association of Fish & Wildlife Agencies
Subject: FY2012 Appropriation for the State & Tribal Wildlife Grants Program
Email to: INApprop.Detailee@mail.house.gov

The State and Tribal Wildlife Grants program, within the US Fish and Wildlife Service, is of vital importance to each state and territorial fish and wildlife agency and their many partners. We support the Administration's request of \$95M for FY2012. However, we recommend that \$11M not be transferred to the competitive grants program from apportioned funding. Furthermore, we recommend that the nonfederal match requirement for implementation projects not be increased and instead be maintained at the FY10 level of 65% federal and 35% non-federal.

The State and Tribal Wildlife Grants program, now in its 10th year, led to the development of State Wildlife Action Plans in every state and territory, a historic first. These plans identified over 12,000 species that are known to be at risk and the conservation actions needed to address declining populations. Although the need for funding is far greater, an appropriation of apportioned funding that is similar to FY10 will ensure states can maintain their investment in projects needed to conserve the widest variety of fish and wildlife.

Although the Association is supportive of, and sees a need for, nationally competitive grants, we feel that this should not come at the expense of apportioned funding. Each state/territory identified priorities in their approved State Wildlife Action Plans and in most cases these can be most efficiently addressed using apportioned funds. The uncertainty associated with competitive grants and the added time and expense to write/manage grants will affect planning and the delivery of priority conservation work.

Although we agree with the need and value of leveraging funds, most states have seen severe reductions in their budgets. This is having a large and growing impact on state fish and wildlife agencies and their partners to provide match for conservation projects. An increase in the match requirement over the FY10 level now at a time when state budgets are severely strained will likely delay or prevent conservation work.

We appreciate the past support of the Subcommittee for this program. The State and Tribal Wildlife Grants program is supported by the 6,300 organizations that make up the Teaming With Wildlife coalition. The program provides states and their partners with flexibility to address the multitude of threats that face wildlife from invasive species, habitat fragmentation, changing climate, disease, land use changes and other factors. We hope that you consider our recommendations for funding of the State and Tribal Wildlife Grants program during the budget process.



FY 2012 Testimony of the
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (A · P · L · U ·)
BOARD ON NATURAL RESOURCES (BNR)
To the House Appropriations Subcommittee on Interior, Environment, and Related
Agencies
Submitted by Dr. Reagan Waskom, Chair, APLU Board on Natural Resources, Director,
Colorado Water Institute, Colorado State University

On behalf of the APLU Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS). We appreciate the opportunity to provide recommendations for the following programs within USGS: \$8.8 million for the Water Resources Research Institutes; \$18.9 million for the Cooperative Fish and Wildlife Research Units; \$28.163 million for the National Cooperative Geologic Mapping Program; \$53.78 million for the Mineral Resources Program, \$27.4 million for the Energy Resources; \$57.02 million for the Earthquake Hazards Program; \$24.421 million for the Volcano Hazards Program; and \$3.402 million for the Landslide Hazards Program.

APLU BNR requests at least \$8.8 million for the Water Resources Research Institutes (WRII). The APLU BNR request is based on the following: \$7,000,000 in base grants for the WRII as authorized by Section 104(b) of the Water Resources Research Act, including state-based competitive grants; and \$1,800,000 to support activities authorized by section 104(g) of the Act, and a national competitive grants program. Federal funding for the WRII program is *the* catalyst that moves states and cities to invest in university-based research to address their own water management issues. State WRII take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than \$15 in other funds for every dollar funded through this program. The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals. This program is essential to solving state, regional and inter-jurisdictional water resources problems. Institutes in Louisiana, California and North Carolina, for example, made major contributions in emergency planning and hurricane recovery, protecting groundwater aquifers from sea water intrusion and reducing water treatment costs. The institutes also train the next generation of water resource managers and scientists.

APLU BNR requests at least \$18.9 million for the Cooperative Fish and Wildlife Research Units (CRU). This program serves to 1) train the next generation of Fish and Wildlife managers; 2) conduct research designed to meet the needs of unit cooperators; and 3) provide technical assistance to state and federal personnel and other natural resource managers. Originally established to provide training for students in fish and wildlife biology, the units were formally

recognized by the Cooperative Units Act of 1960 (PL 86-686). The CRU provide experience and training for approximately 600 graduate students per year, a critical need as state and federal workforces face unprecedented retirements over the next 5 to 10 years. The CRU also provides valuable mission-oriented research for their biggest clients, the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 Cooperative Research Units in 38 States.

Each unit is a true federal-state-university collaboration in that it is a partnership between USGS, a State natural resource agency, a host university, and the Wildlife Management Institute. For every \$1 the federal government puts into the program, \$3 more are leveraged through the other partners. The U.S. economy has long relied on the bountiful natural resources bestowed upon this land. Federal investment in the CRU will be returned many times over through the training of future natural resource managers who will guide the nation in sustainable use of our natural resources. The research conducted by CRU scientists directly supports the difficult management challenges faced by natural resources managers.

APLU BNR requests at least \$28.163 million for the National Cooperative Geologic Mapping Program (NCGMP), in the USGS budget, which would sustain the program at the FY2010 level. The mission of the NCGMP is to provide accurate geologic maps that help sustain and improve the quality of life and economic vitality of the US and mitigate geologic hazardous events and conditions. This program has a proven record in stimulating economic development and generation of tax revenues for federal, state, and local governments, and brings non-federal matching dollars to projects. The program locates, characterizes, and assembles the vital information upon which economic decisions involving land and water are made. Virtually all mineral, energy, water, industrial construction, public works, and urban development projects require a geologic map. Universities are involved in this program in two ways. First, universities participate through the production of new geologic maps to meet needs in stewardship of water, energy, mineral resources and environmental protection and risk reduction from natural hazards. Second, through EDMAP, universities train the next generation of geologic mappers through a competitive matching-fund grant program. Since EDMAP's inception in 1996, more than \$5 million from the NCGMP has supported geologic mapping efforts of more than 800 students working with more than 230 professors at 140 universities in 44 states plus Puerto Rico and the District of Columbia. An annual survey by NCGMP demonstrates that of students who participated in EDMAP 1) 95 percent continue on with advanced geoscience studies or obtain a job in the geosciences, 2) fall well above the national average for pursuing advanced academic degrees in the geoscience field, 3) easily obtain geoscience positions due to the knowledge gained through EDMAP, and 4) frequently use the skills gained through EDMAP.

APLU BNR requests at least \$53.78 million for the USGS Mineral Resources Program (MRP), which would sustain the program at the FY2010 level. The Nation faces simultaneous challenges from an increasing need for mineral and energy resources, dependence on imported mineral and energy resources, and growing demands to minimize environmental effects associated with energy resource development and utilization. Recent recognition of the virtual control by the Chinese of the rare earth element industry is just one example of US vulnerability to mineral resource availability. Rare earths are increasingly important in the production of rechargeable batteries, semiconductors and computer hard-drives, and they are becoming essential in the production of clean-energy technologies such as hybrids, solar power

and windmills. They are also critically important to our national defense as they are important in the production of night-vision goggles, precision-guided weapons and other defense technologies. Beyond rare earth elements, items such as LCDs, catalytic converters, rechargeable batteries, and other electronics all use minerals designated as “critical” based on the risk that they may become unavailable for any number of reasons. The role of minerals information is becoming ever more vital as the nation works to remain competitive and searches for emerging technologies to solve some of our most pressing environmental issues. There have been substantial cuts to the number of professionals in the MRP since 1996. At the same time, the 2008 National Research Council’s (NRC) report “Minerals, Critical Minerals, and the U.S. Economy” calls for the “need to maintain adequate, accurate and timely information and analysis on minerals at a national level in the federal government with additional, not fewer, professionals having appropriate backgrounds to perform the work.” For example, as society pushes toward sustainability, the importance of experts designing products with an eye toward recycling minerals will only increase. Currently, only a few formal training programs have emerged to train a new generation in the field. For this reason, we request support for Mineral Resources External Research Grants program of at least \$1 million. The USGS committed \$1,000,000 toward Mineral Resources External Research Program (MRERP) for FY 2006, *but cut the program to \$0 in FY2007* and committed only \$103,000 in FY11. Sustained and additional funds are needed to expand upon the first step in FY2006. Apart from this small program, there is virtually no funding to sustain applied science research and education related to mineral resources. The establishment of a consistently well-funded Minerals Resources External Program would follow the recommendations of three recent NRC reports and would help arrest the dramatic decline of minerals expertise in the United States.

APLU BNR requests at least \$27.4 million for the USGS Energy Resources Subactivity.

Coal continues to be a major supplier of inexpensive electricity for America and will continue to be a major energy source for America for years to come. Research on clean-coal technologies and other carbon-based energy fuels (including unconventional sources of oil and natural gas) are likely to dominate the global energy supplies for many years. Whereas the Energy Information Administration in the Department of Energy does a good job of collecting statistics on domestic energy production, the USGS role in long-term forecasting of energy supplies (including fossil fuels, nuclear fuels, and geothermal resources) is unique and necessary for long-term planning.

APLU BNR requests at least \$57.02 million for the USGS Earthquake Hazards Program (EHP), which would sustain the program at the FY2010 level.

Of all natural hazards facing the United States, earthquakes have the greatest potential for inflicting catastrophic casualties, damage, economic loss, and disruption, and the EHP program plays a critical role in providing policy makers and the public with a clear understanding of potential threats, societal vulnerability, and strategies to mitigate earthquake damage. Approximately 25 percent of the total EHP budget is directed toward competitive, peer-reviewed, external research support through cooperative agreements and grants that enlist the talents and expertise of the academic community, State government, and the private sector. Many of the external projects are co-funded with other sources, leveraging USGS support. External program activities include: mapping seismic hazards in urban areas; developing credible earthquake planning scenarios including loss estimates; defining the prehistoric record of large earthquakes; investigating the

origins of earthquakes; improving methods for predicting earthquake effects; and developing a prototype system for an earthquake early warning system. In FY2010 the program supported research at 35 universities. Sustained funding could continue to develop a system that would warn people within seconds after a major earthquake starts to shake the ground and automatically implement electronic safety measures such as opening firehouse doors, slowing trains, and backing up computers. As dramatically demonstrated recently by the earthquake in Japan, such a system would surely save lives and facilitate recovery after the inevitable earthquakes that will strike not only California, Alaska, Nevada, Hawaii, Oregon, Utah, and Washington, but many other states, including states in the eastern and central parts of the country.

APLU BNR requests at least \$24.421 million for the USGS Volcano Hazards Program (VHP), which would sustain the program at the FY2010 level. The USGS provides geoscience data, analyses, and research needed to reduce the loss of life, property, and economic and societal impacts of hazards related to volcanoes. The range of activities may be broadly divided into volcano-hazard-assessment and volcano-monitoring components. Each volcano hazard assessment requires a geologic map and involves fieldwork, laboratory analysis, and data analysis by research scientists, typically requiring three to five years to complete. Five volcano observatories are operated in partnership with the Universities of Alaska, Washington, Utah, and Hawaii. During 2011, ARRA funds are continuing to support 17 new cooperative agreements between the USGS and 15 universities and State geological surveys. These new partnerships are driving advances in interpretation and modeling of volcano monitoring data, expanding hazards assessments to address vulnerabilities through GIS techniques, documenting the effects of the numerous recent explosive eruptions in Alaska, and substantially upgrading monitoring infrastructure. These services are critical in mitigating loss of life and property, and reducing potentially disastrous economic and societal impacts.

APLU BNR requests at least \$3.405 million for the USGS Landslide Hazards Program, which would sustain the program at the FY2010 level. As indicated in recent USGS and National Academy of Sciences studies, landslides and related land-surface movements such as debris flows, shrink-swell soils, sinkholes, and subsidence cause billions of dollars of damage per year, yet not enough has been done to map and understand the hazards, a key step to risk reduction. The USGS conducts research on processes and forecasting methodologies on the types of landslides that produce losses in the United States such as landslides related to steep slopes, heavy rains, and vegetation loss due to wildfires. BNR strongly supports increased funding of USGS Landslide Hazards programs, as it reduces risks and guides our stewardship of the land.

About APLU and the Board on Natural Resources

A•P•L•U's membership consists of 221 state universities, land-grant universities, state-university systems and related organizations. The Board's mission is to promote university-based programs dealing with natural resources, wildlife, ecology, energy, and the environment. BNR representatives are chosen by their president's office to serve and currently number over 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines. APLU institutions enroll more than 3.5 million undergraduate students and 1.1 million graduate students, employ more than 645,000 faculty members, and conduct nearly two-thirds of all federally-funded academic research, totaling more than \$34 billion annually.

Association of State Drinking Water Administrators

**Testimony to the House Committee on Appropriations;
Subcommittee on Interior, Environment, & Related Agencies
April 1, 2011**

Who We Are: James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior, Environment and Related Agencies Subcommittee on FY 12 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in each of the fifty states and territories and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million consumers nationwide.

Summary of Request:

ASDWA respectfully requests that, for FY-12, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance and at levels that ensure appropriate public health protection. ASDWA requests \$200 million for the Public Water System Supervision (PWSS) program; \$1.287 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and \$10 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these requested levels follows.

How States Use Federal Funds:

States Need Increased Federal Support to Maintain Overall Public Health Protection: State drinking water programs strive to meet public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in time of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses are dependent upon a safe and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system. Even people who have their own private wells to meet their daily water needs will visit other homes or businesses served by a public water system. Children and the elderly are typically the most susceptible to illness and death from several of the contaminants regulated by Federal drinking water laws including lead, mercury, nitrates, bacteria, and viruses. As important as public water systems are to the quality of water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes. Businesses need adequate supplies of good quality water for processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industries to communities. Public

water systems -- and the cities, villages, schools, and businesses they support -- rely on state drinking water programs to ensure they are in compliance with all applicable Federal requirements.

The PWSS Program: To meet the requirements of the Safe Drinking Water Act, states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over 155,000 public water systems to ensure potential health-based violations do not occur or are remedied in a timely manner. Since 1996, state drinking water programs have participated in the development and implementation of over 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "the source to the tap." These include drinking source water assessments and protections; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. In recent years, states have taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. In short, state activities go well beyond simply ensuring compliance at the tap.

The DWSRF Program: Drinking water in the U.S. is among the safest and most reliable in the world, thanks to significant infrastructure investments made over the decades. The payback on this investment has been exceptional: in the core DWSRF program, \$12 billion in capitalization grants from Congress since 1997 has been leveraged by states into nearly \$21.2 billion in infrastructure loans to small and large communities across the country. As a recent indicator of states' extraordinary accomplishments through this program, all states met the February 17, 2010 deadline (one year from enactment) for having \$2 billion in American Reinvestment and Recovery Act (ARRA) funds under contract or construction. Such investments pay tremendous dividends -- both in supporting our economy and in protecting our citizens' health. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

State Drinking Water Security Responsibilities: Since the events of September 2001, as well as the more recent experiences of devastating hurricanes, wildfires, and floods, states have taken a variety of critical steps to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based "mutual aid" networks. States continually work toward integrating security considerations throughout all aspects of their drinking water programs. Technological advances in contaminant detection and decontamination capabilities, new economic risk and impact analysis models, and enhancements in cyber security techniques also demand state program awareness, implementation, and outreach to the water community.

Why Increased Funding is Urgently Needed:

State Drinking Water Programs are Hard Pressed: States must accomplish all of the above-described activities, and take on new responsibilities, in the context of the current national economic downturn. This has meant further cutting state budgets, streamlining their workforces, and operating with less state-provided financial support. State drinking water programs have often been expected to do more with less and states have always responded with commitment and ingenuity. However, state

drinking water programs are now in crisis. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts the public's health at risk.

State Funding Gap Continues to Grow; States Cannot Keep Up: Although the 1996 SDWA Amendments authorized the PWSS Program at \$100 million per year, appropriated amounts have only recently reached that authorized level – a level that now, almost 15 years from the date of those amendments, falls far short of the need. \$105.7 million was appropriated for the PWSS program in FY 10. A proportionate amount of that level was also provided to states in FY 2011, through a series of Continuing Resolutions (CRs), from October 1, 2010 until April 8, 2011. However, as explained below, due to Congress' zeroing out of the state drinking water program security grant of \$5 million, the net gain to states – from FY 09 to FY 10 and FY 11 – was only \$1 million. The President's FY 12 budget requested \$109.7 million for the PWSS grant -- again, an amount that is woefully inadequate for the enormity of the task faced by state drinking water programs. A few years ago, state drinking water program administrators identified an annual shortfall nationally of approximately \$360 million between available funds and those needed to administer their programs. That gap only continues to grow and has negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA where it is likely to languish because of their own resource constraints and lack of "on the ground" expertise. This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of critically needed public health protections.

FY 12 Request Levels and SDWA Program Obligations:

The PWSS Program: The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially "flat-lined" or included only meager increases. Inflation has further eroded these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for these funding levels since they are engaged in the critical phases of implementing the LT 2/Stage 2 Rule cluster (two sophisticated and complex initiatives to control disinfection by-products and microbial contaminants), the recently promulgated Ground Water Rule, and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules to local water systems; however, fewer state resources mean less opportunity to work one-on-one with water systems to meet their individual needs. Looking ahead, states expect that new rules for perchlorate and carcinogenic volatile organic carbon compounds will be forthcoming in the near future as well as revisions to the Total Coliform Rule.

ASDWA respectfully requests that the FY 12 funding for the PWSS program be appropriated at \$200 million. This figure was calculated by starting with a baseline of \$124.3 million (the FY 04 appropriated figure after adjustment for inflation); adding \$50.7 million to implement recently promulgated rules (per EPA's Economic Analyses for these rules); and adding \$25 million for other new program requirements (e.g., emerging contaminants, modernizing data systems, and supporting small water systems).

The DWSRF Program: States were very encouraged by the \$1.387 billion appropriated for the DWSRF in FY 10 and the \$1.287 billion requested in the President's FY 2011 budget. We were, however, disappointed to see the Administration request drop to \$990 million for FY 12. States strongly support the higher levels. The primary purpose of the DWSRF is to improve public health protection by

facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. States have very effectively and efficiently leveraged Federal dollars with state contributions by turning over \$12 billion in cumulative Federal capitalization grants (not counting ARRA funds) into almost \$21.2 billion in water infrastructure loans since 1997. In so doing, states have provided assistance to more than 7,000 projects, improving health protection for millions of Americans. Approximately 72 percent of projects and 38 percent of assistance has been provided to small communities (serving less than 10,000 people). However, EPA's most recent National Drinking Water Infrastructure Needs Survey (2007) indicated that water system needs total \$334.8 billion over the next 20 years to comply with SDWA mandates. States believe the \$2 billion in ARRA funds and the FY 10 appropriated level were very substantial down payments on addressing those needs and filling the infrastructure gap. In light of these indicators of success and documented needs, we believe funding at the \$1.287 billion level will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA respectfully requests \$1.287 billion in FY 12 funding for the DWSRF program.

Security Responsibilities: After seven years of supporting state security programs through a small grant of approximately \$5 million in EPA's appropriation, *no funds* were provided for this purpose in FY 10 and none were requested for FY 11 or 12. State drinking water programs need funds to continue to expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems. It is very difficult to understand why this grant has been zeroed out of EPA's proposed budget. Given the realities exemplified by ongoing Homeland Security initiatives, the goals of the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina, Rita, and Gustav, state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. Beyond the mandates of the Bioterrorism Act of 2002, states are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the Act. These systems rely heavily on the states to help them meet their needs and identify potential funding sources.

ASDWA respectfully requests \$10 million in FY 12 funding for the state security initiatives. These funds would be commensurate with the security tasks state drinking water programs must take on.

Conclusion

In conclusion, ASDWA respectfully recommends that Federal FY 12 budget needs for the provision of safe drinking water be adequately funded by Congress. A strong drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2012, ASDWA asks that the promise of that support be realized.

City of Aurora

Water Department
Administration
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Mark Pifher
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March 15, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

Mark T. Pifher
Director, Aurora Water
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 marian.l.wimsatt@bhpbilliton.com

17 March 2011

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives
 B-308 Rayburn House Office Building
 Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

Sincerely,

Marian L. Wimsatt

Marian L. Wimsatt, CPLTA, CPL
Landman, Land and Water
505-598-4356, fax 505-598-4300,
marian.l.wimsatt@bhpbilliton.com

March 28, 2011

The Honorable Michael Simpson
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable James Moran
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Simpson and Ranking Member Moran:

As you may know, birds are an important economic driver. A report by The Outdoor Industry Foundation found all outdoor wildlife related recreation activities generate \$730 billion annually for the United States' economy. The report estimated that bird watching alone contributes \$43 billion annually. Birds also naturally provide billions of dollars worth of pest control each year benefiting farms and consumers alike.

The Bird Conservation Funding Coalition (BCFC) consists of national organizations that, together, advocate for federal funding to advance bird conservation. This year we urge you once again to provide the highest level of funding possible to programs we believe are crucial for maintaining healthy and abundant bird populations throughout the United States. These programs are:

- **Neotropical Migratory Bird Conservation Act Grants Program (NMBCA)**

The Neotropical Migratory Bird Conservation Act Grants Program supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. Projects include activities to benefit bird populations and their habitats such as research and monitoring, law enforcement, and outreach and education. The BCFC respectfully requests the Committee prioritize FY2012 funding for the Neotropical Migratory Bird Conservation Act Grants Program at \$6.5 million.

- **Joint Ventures**

Joint Ventures are regionally based partnerships of public and private organizations dedicated to the delivery of bird conservation within their boundaries. Originally formed to support programs involving waterfowl and wetlands, the Migratory Bird Joint Ventures have recently adopted a five-year growth strategy to embody an "all-bird approach," to provide additional capacity for partnership development and enhancement, and to expand monitoring and assessment efforts. The BCFC respectfully requests the Committee allocate \$15 million for FY2012.

- **Science and Monitoring**

Science and Monitoring done within the USFWS Office of Migratory Bird Management provides invaluable information on the status and trends of bird species necessary for sound management decisions. This scientific information helps to ensure that funds are allocated wisely within all other BCFC priorities. The slight increase in funds requested by the BCFC will help to close a multimillion dollar shortfall which currently exists within the Office of Migratory Bird Management. Therefore, the BCFC respectfully requests the Committee provide \$30.7

million for this important program.

- **North American Wetlands Conservation Act (NAWCA)**

NAWCA provides funding for conservation projects for the benefit of wetland-associated migratory birds in the United States, Canada, and Mexico. Unfortunately, more than half of the original wetlands in the U.S. have been lost, contributing to the steady decline of migratory birds. NAWCA, in existence since 1989, has preserved over 24.8 million acres of wetlands by leveraging \$945.2 million in federal funds with more than \$1.94 billion in partner contributions. The BCFC respectfully requests the Committee prioritize FY2012 funding for NAWCA at \$50 million.

- **State Wildlife Grants**

State Wildlife Grants fund is the nation's core program for preventing wildlife from becoming endangered, and supports a wide variety of wildlife-related projects by state fish and wildlife agencies throughout the United States. In order to receive federal funds through the State Wildlife Grants Program, Congress charged each state and territory with developing an "action plan." Every state and territory submitted their wildlife action plan to the U.S. Fish and Wildlife Service for review (and approval) by the October 1, 2005 deadline. The State Wildlife Action Plans are the result of a collaborative effort by scientists, sportsmen, conservationists, and other members of the community. The BCFC respectfully requests the Committee allocates \$95 million for FY2012.

- **International Affairs within the US Fish and Wildlife Service**

International conservation programs, such as Wildlife Without Borders (WWB), supports the preservation of endangered and migratory species and habitat by providing capacity building, environmental outreach, education and training. WWB is a mainstay of bird conservation in Mexico, Central America, and the Caribbean typically leveraging four dollars for every appropriated dollar. WWB also serves as a foundation for long-term conservation efforts because they focus on developing in-country capacity. There are currently four WWB programs, each covering an extensive area: Latin America and the Caribbean; Mexico; Russia and East Asia; the Near East, South Asia, and Africa. The BCFC respectfully requests the Committee prioritize FY2012 funding at \$12.9 million.

- **International Programs within the USDA Forest Service**

International Programs within the USDA Forest Service has a distinct niche that is not met by any other federally funded program emphasizing conservation of migratory bird species throughout their range. It supports an array of extremely effective bird conservation projects with a relatively small budget. Specific emphasis is placed on forest, grassland, and shorebirds which include high priority species like the Cerulean Warbler, Bicknell's Thrush, Western Sandpiper, and Rufous Hummingbird, whose greatest threats are found outside the United States. The BCFC respectfully requests the Committee provide \$9 million for FY2012.

- **USGS American Breeding Bird Survey (BBS)**

BBS has been providing data crucial for migratory bird conservation planning since 1966. Today, the BBS provides the foundation for non-game, land bird conservation in North America

with over 3,200 skilled volunteer participants sampling 3,000 routes annually across the continental U.S. and southern Canada. The BCFC respectfully requests the Committee provide this important program with the highest possible level of funding.

Again, we thank you for your steadfast support of these critically important programs.

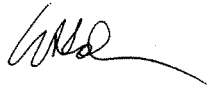
Sincerely,



Darin Schroeder
Vice President of Conservation Advocacy
American Bird Conservancy



Mike Daulton
Vice President for Government Relations
National Audubon



Ellie M. Cohen
President and CEO
PRBO Conservation Science



Michael Hutchins, Ph.D.
Executive Director
CEO, The Wildlife Society



Submitted by: Kathryn L. Kennedy, PhD., Executive Director, April 1, 2011

The Honorable Michael Simpson
United States House of Representatives
Washington, DC 20515

Prepared for: Subcommittee on Interior, Environment and Related Agencies

Addressing: 2012 Department of Interior Appropriations for **Bureau of Land Management**, Threatened and Endangered Species Management \$32.6 million; A new Plant conservation program 5.0 million; Native Plant Materials Program Plant Conservation - \$5.0 million, Native Plant Materials Development - \$21.0 million; Wildlife and Fisheries Management - \$65.4 million, Adapting to Climate Change Adapting to Climate Change - \$18.0 million; Challenge Cost Share - \$19.5 million, Resource Management Planning - \$55.0 million; Landscape Scale Habitat Conservation - \$30.0 million for Healthy Landscapes. **U.S. Fish and Wildlife Service** **Endangered** Species Program \$217.1 million (\$15.0 Candidate Conservation, \$32.1 Listing, \$75.0 Consultation, \$95.0 for Recovery); Landscape Conservation Cooperatives - \$40.0 million; State and Tribal Wildlife Grants program \$115.0 million, (7 tribal grants, 5 state grants), Cooperative Endangered Species Fund - \$100.0 million (20 million conservation grants to states), Partners for Fish and Wildlife program \$62.0 million, Land and Water Conservation Fund - \$600.0 million. **National Park Service** **Public** / Private Partnerships - \$50.0 million, Biological Resources Management Division Endangered Species Program increase of \$5 million, **U.S. Geologic Survey BRD** Biological Research and Monitoring Program - \$170.0 million, **U.S. Forest Service:** Wildlife and Fisheries Habitat Management - \$163.0 million, Inventory and Monitoring - \$180.5 million, Forest & Rangeland Research - \$265.1 million (\$41.9 million for Global Climate Change Science), Forest Inventory and Analysis Program - \$76.0 million, Land Management Planning Program - \$80.0 million

Dear Mr. Chairman:

Our native plant diversity represents one of the last frontiers of priceless natural resources essential for the continued economic prosperity of the nation, providing basic genetic material for crop and agronomic products development, sustainable oils and energy, pharmaceuticals, and ecological services mediating air and water quality, carbon fixation, wildlife habitat and other essential functions

The Center for Plant Conservation (CPC) is a conservation organization whose mission is to conserve and restore the rare native plants of the United States to prevent their extinction. We are a coordinated, science-based network of 36 botanical institutions working for the recovery of our most imperiled native species on public and private lands nationwide.

Center for Plant Conservation • Post Office Box 299 • St. Louis, MO 63166-0299
(314) 577-9450 • Fax (314) 577-9456 • www.centerforplantconservation.org

We often work cooperatively with the Bureau of Land Management, U.S. Forest Service, Department of Defense, U.S. Department of Agriculture ARS, and National Park Service, and implement about \$10 million in plant recovery research and restoration annually. While the Center works diligently and efficiently to ensure the public benefits of our most imperiled plants, it is clear private efforts alone cannot accomplish the work needed. Federal partnerships and leadership are needed. More botanists and more dollars for recovery actions are needed urgently.

While we recognize the importance of careful funds management and support the goals of deficit reduction, this must be accomplished through the careful evaluation of deferrable and immediate needs. Budget adjustments within and between programs, and in fee structures for products from our public lands can be used to help meet fiscal targets while providing for essential activities. Strategically maintaining funding for cost effective partnership and cost sharing programs is a viable strategy for continued progress in natural resource management, maintaining good jobs, providing an economic multiplier in communities supported by ecotourism, and providing economical activities for families in economically challenging times while reconnecting youth to outdoor activity, volunteerism, and science literacy.

Plant conservation work has become critical and cannot be deferred until more prosperous times. It is important to get started again now. These species are not only invaluable for ecological reasons, supporting healthy air and water and mediating global climate change. The high natural resource value of our wild plants for emerging biotechnology and traditional economic benefits, makes them vital to our economic future as well. We have shown that 87% of federally listed plant species are very closely related to agronomically important species. They are the raw material for plant breeding in support of sustainable agriculture, and potential medically and economically significant products. The long-standing imbalance in recovery funding for plants risks the tragic loss of resources important to the future economic well-being of our nation.

Work must increase now to achieve needed results in building the resilience we need to keep our landscapes productive. Public lands are instrumental in maintaining healthy environmental systems and serve as a primary source of plant diversity for the nation.

Land and Water Conservation Fund. A critical strategy in meeting the challenges of climate change is to build resilience within our wild species populations and to ensure habitat connections to provide avenues for responses in species and community ranges over the landscape. The Land and Water Conservation Fund (Fund) is a critical resource for the nation to maintain habitat continuity and address fragmentation obstacles. **We request an allocation of \$600.0 million for this year.** This funding is needed quickly, given the timeframe needed to complete transactions and implement landscape activities in time to be available as needed.

U.S. Fish and Wildlife Service (USFWS) Endangered Species Program. The USFWS Endangered Species Program is seriously understaffed and underfunded, denying assistance to the nation's species that can least afford to wait. We request the above appropriation **in the USFWS listing budget** to help clear the listing backlog of candidate species in the next few years, **and in the Candidate Conservation program** to help fund interim recovery work for those species awaiting listing, some for nearly 20 years.

The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be well over \$300 million. The situation is especially precarious for our listed plant species. While 57% of the federally listed species under the Endangered Species Act (ESA) are plants, they historically receive only 3-5% of federal agency expenditures for listed species recovery. Our research has demonstrated that approximately 75% of our federally listed plant species have fewer than 100 individuals remaining in the majority of remaining sites, and are at a high risk of extinction within 20-25 years unless intervention is initiated quickly.

An increase in the **USFWS Recovery Program Budget** is needed to begin to address the most critically imperiled plant and animal species. **We are requesting an appropriation of at least \$95 million for the USFWS Recovery Program Budget.** Further, we believe that within the recovery program **5 million in additional funding should be dedicated to priority listed plant species** for implementation of long neglected recovery activities, including funding **designated for Hawaiian plant species.** Hawaii is our national hotspot for plant biodiversity.

BLM Plant Conservation Program. Current energy plans will increase significant disturbance of large areas of BLM lands for energy development. Challenges to the integrity and productivity of BLM lands from invasive species and global climate change have also increased threats to listed and special status plant species.

The BLM, as one of our largest federal landholders with over 1300 imperiled species, is a significant agency in conserving plant biodiversity. The CPC recognizes the leadership of the BLM in establishing a Plant Conservation Program to take an integrated approach to these significant issues. **The program has proven extremely effective and is deserving of becoming established as a discrete subactivity, with 5 million dollars of dedicated funding.** Within the existing BLM programs, to help support effective cross-program work for imperiled species we request the funding levels outlined above for the Threatened and Endangered Species Management, Wildlife and Fisheries Management, Adapting to climate change, Challenge Cost Share, Resource Management Planning and Landscape Scale habitat Conservation programs.

The BLM Native Plant Materials Development Program. The CPC regards the interagency Native Plant Materials Development Program (NPMD) as one of the most significant public works projects of our times, and has been an active partner since its inception. Expanding the variety and quantity of native plant materials will be critical in a reasoned response to climate change, and will add to economic growth by creating new business opportunities for the private sector, reducing cost for federal land restoration, and improving availability for public and private uses. Program success is contingent on consistent and increased funding to collect, increase and distribute native plant seed to public and agency partners and private industry for use in restoration efforts. The BLM has an award-winning nationwide collaboration of partners to secure seed. Collaborative partnerships for public lands have been fostered nationwide, and partners have invested over \$5 million of non-federal match, making the program cost effective. Yet the BLM's NPMD program remains chronically underfunded. The next few years of funding is critical to realizing the potential benefits. **We request an appropriation of \$21 million dollars for the BLM Native Plant Materials Program appropriation, including \$6 million for seed storage facilities needed to maximize benefits for investments to date.**

USGS Biological Research Discipline has an important role to play in supporting information needs for adaptation to climate change and Landscape Conservation efforts, yet has almost no botanical staff. Providing sufficient funding for this agency will help them address this deficiency.

The U.S. Forest Service. Chronically underfunded for plant diversity monitoring and management, the Forest Service has been losing botanical positions for years, just when they are needed most. Forests are among the first habitats showing climate change impacts in increased disease, invasive species, fire, etc. All these impacts are costing millions and millions of dollars to address and threatening timber values and biodiversity values, and an investment now is needed to avoid further loss of economic and natural resource values. Funding requested for the Wildlife and Fisheries Management, Range, Inventory and Monitoring, Forest and Rangeland Research, Forest Inventory and Analysis, and Land Management Planning Programs will help support action to address this critical deficiency.

The National Park Service. The National Park System has 175 federally listed plant species and scores of plants of conservation concern. The Center for Plant Conservation has worked cooperatively and invested considerable in-kind match to help address imperiled plant needs, and have seen first hand the overstretched staff and lack of resources to address their needs. We request and additional 5 million dollars in the Endangered Species Program of the Biological Resources Management Division to address urgent needs. In addition, NPS is on the forefront of federal leadership in developing public private partnerships, and we request 50 million dollars for that program to keep developing that model for leveraging financial resources and engaging the public.

The State Wildlife Grant Program. The State Wildlife Grant Program appropriation is a proactive program to address biodiversity needs at the state level while conservation actions are most cost effective, initiating needed action earlier to preclude the need to list new species under the Endangered Species Act. It is truly a landmark program, and we support full funding.

Unfortunately The current definition of wildlife included in the authorizing legislation in the appropriations language does not include plants, and current guidance does not allow State Wildlife Grant Program funds to be used for projects whose objective is recovery of declining plants We request this restriction be addressed in a permissive manner by adding **the Endangered Species Act (ESA) to the authorizing legislation in appropriations language for the State Wildlife Grant Program.**

Thank you for the opportunity to present testimony regarding the proposed Department of Interior and Related Agencies Appropriations. We hope you will be able to respond to these urgent needs for these valuable national resources.

Sincerely,
Kathryn L. Kennedy
President and Executive Director
The Center for Plant Conservation

TESTIMONY OF THE HONORABLE EDWARD K. THOMAS
PRESIDENT, CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES
OF ALASKA
ON
FISCAL YEAR 2012 BUDGET – CONTRACT SUPPORT COSTS

TO THE
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

April 12-13, 2011

GREETINGS FROM ALASKA! My name is Edward K. Thomas. I am the elected President of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit Haida), a federally recognized Indian tribe of 27,000 tribal citizens. Southeast Alaska is the ancestral homeland of the Tlingit and Haida people. I am honored to provide this testimony on this very important matter of contract support cost (CSC) funding within the FY 2012 federal appropriations legislation.

Let me begin by commending Congress, and especially this Committee, for showing special interest in this very important issue and for holding this hearing. One of the most important legal principles in defining the relationship between federal government and the Indian and Alaska Native Tribes is that of the fiduciary responsibility the United States has to Tribal governments. This important Trust relationship is seriously compromised by the year after year underfunding of CSC and setting CSC caps in some very important programs available to Tribal governments.

CSC FUNDING SHORTFALLS CHOKES OUR OPERATIONS

For the period between 2006 through 2009, the CSC shortfalls and underfunding have cost my Tribe a total of \$2,651,088; or an average of \$662,772 per year. While our people are grateful for the programs designed to help our needy Tribal citizens, we simply cannot afford to continue to pay this amount of money to manage these important contracts. My Tribal government provided \$84,689,247 (an average of \$21,172,300 per year) in contractual services to our needy Tribal citizens over that period of time.

Simply put, the way indirect costs are calculated and paid by the United States creates an ever-tightening chokehold on my Tribe's ability to administer programs. If we follow the law and spend what we must, we receive less money to meet these expenditures. The more we spend, the less we get. The less we spend, the less we get. As I set out in greater detail below, both Congress and the federal agencies have caused this crisis. Together we can solve it.

TLINGIT HAIDA FUNDS PAY FOR FEDERAL RESPONSIBILITY

Federal law specifically states that a tribe who contracts for the management of a federal contract is entitled to the same administrative support as the federal government itself would have were it to retain the management of that contract. Appropriations legislation that underfunds contract support costs violate this provision of federal law and severely undermines

the concept of tribal self-determination.

Tlingit Haida tries desperately to abide by federal laws that set our indirect cost rates and live within other federal appropriations laws that provide us much less than their own audits say we should collect from each agency to manage contracts for them. We were forced to pull the \$2,651,088 shortfall in contract support costs over the past four years out of our modest Trust Fund earnings in order to meet the costs we were stuck with by the United States. We cannot continue to afford to pay for these federal responsibility costs going into the future. There are no gaming tribes in Alaska; the economy in rural Alaska is weak to non-existent; and unemployment rates in some of our villages often exceed 50%.

Our Trust Fund is what remains of a judgment fund provided to us in exchange for land taken by the United States from our Tribe. Tlingit Haida tribal government has a fiduciary responsibility to preserve the principal of this Trust Fund for future generations and earnings of this fund it critical to maintaining essential governmental function for our tribe. It is not the purpose of the Trust Fund to use the interest it has earned to make up for sudden losses created by the United States. The choice we face each and every year is to either shutdown all of the vital services we provide our membership, shutter our offices, layoff employees, and pay for early termination of contracts, or dip deeper and deeper into our Trust Fund earnings to maintain operations. We have chosen to continue but we need your help in order for us to continue in providing essential services to our needy tribal citizens.

In addition to the diversion of our Trust Fund earnings, the shortfall in BIA contract support funding has been felt throughout Tlingit Haida. As an immediate result of this shortfall and CSC caps place on so many programs our Tribe is eligible to apply for, we have had to abstain from applying for some very important programs that could be of tremendous help to mitigate the serious economic challenges facing our tribal communities. While businesses, other governments and government agencies saw benefit from the American Recovery and Reinvestment Act (ARRA), my Tlingit Haida had to abstain from fully participating in available programs because of the 15% cap of administrative costs place on those programs. We accepted a \$1.5 million award for childcare assistance to supplement our "welfare to work" initiatives and this cost Tlingit Haida \$330,000 of our own money to manage that program.

INDIRECT COSTS ARE FIXED COST REQUIREMENTS

If indirect costs were not primarily "fixed" costs, the recurring problem of a shortfall in BIA contract support cost funding would, perhaps, be survivable. But most of our actual indirect costs are "fixed". For example, typically the most cost-effective way to acquire facility space or equipment is through a long-term lease with locked-in costs. Similarly, package deals for telephone and some forms of transportation offer significant cost savings over time. And obviously, the salary and benefit costs of accounting, administrative, and management staff must be treated as "fixed" or else we cannot hire or keep employees. When federal agencies do not send us 100% of the funds required by our rate, we have a shortfall associated with our operation of BIA programs and something has to give.

We refer to tribal indirect cost funding as a "requirement", not a "need". They are requirements because they are derived from audits conducted by the National Business Center (NBC) on behalf of the federal government who sets rates that are used uniformly to all federal

agencies with whom Tlingit Haida manages a contract or grant with. The rates use actual expenditures from prior years to project costs in the future year. Once set, the rates must be applied uniformly to all our programs.

Another problem is that the Single Audit Act requires a tribal contractor's cognizant agency (e.g., Department of the Interior) to audit the indirect costs of the tribal contractor and establish an indirect cost rate that must be applied to all programs the tribal contractor administers. If that rate is 25%, and a program like Head Start caps administrative cost recovery from its funding at 15%, the law requires the tribal contractor to pay the difference from non-federal funds or through a rate increase the following year that will obtain a higher recovery from BIA's contract support cost fund in future years.

Let me be clear about something. We would spiral into bankruptcy if we chose to not spend at the budgeted amounts. Failing to pay certain fixed costs would actually increase our costs (breaking leases, terminating employees, breaching contracts). Deferring certain costs to the following year aggravates the hardship of the shortfalls that cripple that year. P.L. 93-638 language supposedly protects Tribal contractors against theoretical under-recovery do work with respect to BIA funds, historical underfunding of CSC has caused our Tribe very serious difficulties of dealing with shortfalls in non-BIA programs for which we must, by law, use the same indirect cost rate. If in year one we don't spend uniformly on all programs, BIA and non-BIA alike, this will increase the approved rate for the following year because the amounts not collected from the agencies are available to add onto the CSC for the subsequent year. Tlingit Haida, in our efforts in keeping our CSC lower have chosen not to carry all of those costs forward and have, then, had to pay the shortfalls out of non-federal sources.

PROPOSED AMENDMENT LANGUAGE

"Notwithstanding any other provision of law, including any otherwise applicable administrative cost limitations, any federal funds made available under this or any other appropriations act for fiscal year 2012 to an Indian tribe may, at the option of the Indian tribe, be applied to pay for up to all of the approved indirect costs associated with the administration by the Indian tribe of those funds, provided that such costs are calculated in conformity with the federally-established indirect cost rate agreement of that Indian tribe and the relevant OMB circulars."

INTENT

The amendments are intended to apply a tribal contractor's uniform indirect cost rate established under the Single Audit Act to recover costs required by that uniform indirect cost rate from each federally-funded award or agreement without regard to any otherwise applicable administrative cost cap limitations.

EFFECT OF AMENDMENT

The proposed amendment would expand existing authority to permit a tribal contractor an additional option -- use any federally-funded award to meet up to all of its approved indirect costs that are calculated in conformity with its federally-established indirect cost rate agreement

and the relevant OMB circulars without regard to any otherwise applicable administrative cost cap limitations.

Once again Mr. Chairman, I thank you for the opportunity to share my views with you on Contract Support Costs for Tribal contractors. I wish you well in your deliberations and I trust you will make the right decisions on the issues of grave concern to our people.

GUNALCHEESH! HOWA! THANK YOU!

Name: Gene Shawcroft
Title: Assistant General Manager
Organization: Central Utah Water Conservancy District

March 14, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

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2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/s/ Gene Shawcroft

Gene Shawcroft, P.E.
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01661
 Chad "Compassel" Smith
 Principal Chief
 JLC's JLC's
 Joe Grayson, Jr.
 Deputy Principal Chief

February 11, 2011

The Honorable Mike Simpson, Chairman
 House Appropriations Committee
 Subcommittee on Interior, Environment,
 and Related Agencies
 2312 Rayburn House Office Building
 Washington, DC 20515

The Honorable James Moran, Ranking Member
 House Appropriations Committee
 Subcommittee on Interior, Environment,
 and Related Agencies
 2239 Rayburn House Office Building
 Washington, DC 20515

Re: Indian Health Service and Bureau of Indian Affairs
 FY 2011 appropriations for "contract support cost"

Dear Chairman Simpson and Ranking Member Moran:

On behalf of the Cherokee Nation, I write to urge you to support the funding level of \$444 million to the Indian Health Service and \$187 million for the Bureau of Indian Affairs to meet the federal government's contract support cost obligations for FY 2011. These are the same numbers reported last year by the House Interior Appropriations Committee.

The Cherokee Nation is a member of the National Tribal Contract Support Cost Coalition, and its members are united in their support for the appropriations necessary to fund documented contract support needs. Prescribed in the Indian Self-Determination Act, contract support funds associated with health, education and other key programs are not only required by law, they are critical for the management of such programs. These support funds boost often depressed, local economies during this continued time of high unemployment. For example, the Cherokee Nation itself would gain an estimated 124 positions for support staff and health provider teams in rural health care facilities.

Although the Supreme Court unanimously decided that these contracts are binding and that contract support funds' payment is required, compensation has consistently been deficient. Even with the requested monies of \$444 and \$187 million, there will still be shortfalls that near \$62 million for IHS and \$38 million for the BIA. Therefore, it is imperative that the proposed appropriation levels for FY 2011 be maintained at the anticipated level to prevent substantial deficits that hinder local economies and jobs in Indian country.

The jobs that are funded by Contract Support Costs directly affect the Cherokee Nation and other tribes throughout the United States and that is why I must respectfully urge you to support funding of the federal government's contract obligation. On behalf of the Cherokee Nation, we thank you for your support. For further information, please contact our Washington Office Legislative Officer, Clint Bowers, at 202.393.7007 or at clint-bowers@cherokee.org.

Sincerely,

Chad Smith
 Principal Chief
 Cherokee Nation

**Statement of the
Cheyenne River Sioux Tribal Council as presented by
Tribal Chairman Kevin Keckler
to the House Committee on Appropriations
Subcommittee on Interior and Related Agencies
on the FY 2011 Budget Proposal**

April 11, 2011

As Chairman of the Cheyenne River Sioux Tribe, I am pleased to present this testimony in support of the Native American Programs funded through the FY 2011 Budget. I thank you personally, both for inviting me to appear before you today and for your continued support of Native American Programs through the Appropriations process. The funds provided to the Cheyenne River Sioux Tribe in the FY 2010 Appropriation are being utilized to provide basic services to assist our tribal families in the areas of health, shelter, welfare, and education. Other federal monies the Tribe has invested in projects that promote community and economic development.

Today the Cheyenne River Sioux Tribe, through partnership with local organizations, is better positioned to expand its poverty reduction strategies to encompass long-range economic and community development initiatives. However any new initiative relies upon partnerships with our federally funded programs to ensure that we maximize our resources efficiently and effectively. Our collective efforts are coordinated to ensure our federally funded programs accomplish their missions. Any socio-economic gains that we have made over the years are jeopardized if the federally funded Native American Programs are eliminated, or if funds are reduced below FY2010 funding levels.

As Tribal Chairman, I strive to stabilize the Reservation economy through job creation, family self-sufficiency and the cultivation of new revenue streams. Our Tribe has not reached its potential to develop our natural resources into profitable projects. Loss of federal funding opportunities for competitive economic projects will interrupt our efforts to build infrastructure, develop our human capital, and promote economic growth on our Reservation.

The proposed FY2011 funding levels are troubling to our Tribal Council for many reasons. Mainly we are concerned about the targeted elimination or decrease of federal programs as proposed by the Full-Year Continuing Appropriations Act, 2011 (HR1). Legislation of this nature will further weaken our fragile families and erode our Reservation economy. These cuts are aimed at the poorest of the poor and will punish our most vulnerable families. For example, 224 low-income, at-risk children will be immediately dropped from Head Start, denying them early childhood development services.

The Cheyenne River Sioux Tribe has been successful in encouraging our young adults to pursue higher education. There are currently 240 college students enrolled in our Tribal College, which is the highest number in our history. The proposed cut in Pell grants would disrupt the education of 95% (228) of the students enrolled in our Tribal College. Decades of research has conclusively shown that the level of education an individual possesses has a direct impact on their earning potential. Without Pell grants 95% of our college students will not be able to afford to continue their higher education.

In recent months, the national media has discussed the grave possibility of a shutdown of federal government because of gridlock over the FY2011 Budget; it is clear that the impact of a shutdown would be felt by millions of people. No articles have been written on the impact on our Tribal government of such a shutdown. While our services would be interrupted, the impact would be nowhere as severe as would occur if the proposed cuts in this Appropriations Bill are passed.

In following the news about the gridlock and the analysis of HR1, I came across a quote from Rev. Jim Wallis who reminds us that "a budget is a moral document," that "reveals what your fundamental priorities are: who is important and who is not; what is important and what is not." I believe Reverend Wallis' observation is true. Unfortunately, HR1 reveals a willingness on the part to the federal government to spurn its legal, historical and moral obligations to Indian people.

I will now detail the Cheyenne River Sioux Tribe's concerns about specific federally programs that benefit our Reservation residents.

Bureau of Indian Affairs Budget: Education - Indian Schools Construction: Our Cheyenne-Eagle Butte School's enrollment is 1,100 K-12 students. This is a 50 year old facility that has exceeded its projected useful life. The facility is heated by the original boiler heating system that is experiencing so many breakdowns that it has become a maintenance challenge to keep it operating. We mandated by federal law to provide 159 days of instruction; school was closed for 14 days due to lack of heating for the classrooms or snow days. Our heating months extend over a period of six months (October through March) with three of these months designated as high heat demand months. It is challenging for educators and students to maximize a normal school calendar; undoubtedly a disruptive and unpredictable school environment has a negative impact on our children's education. The extension of these days requires additional operating costs and we are living in the problem rather than living in the solution. We recommend that the Indian Schools Construction line item be protected from any budget cuts. Public Safety and Justice: Our current Police Force includes 16 Police Officers and 2 Detectives to provide coverage to the 2,000,000 acres of trust land; that averages to 125,000 acres per police officer. Our annual statistics for 2010 report 8,774 arrests (8,273 adults and 501 juveniles) and an additional 2,184 non-enforcement services for a total of 10,958 contacts with the reservation population of 6,630. These numbers represent 1.6 contacts for each man, woman and child. Our tribe receives funding for our law enforcement services, tribal courts and domestic violence services; we recommend that the FY2010 funding levels be maintained to avoid the loss of essential public safety services.

Homeland Security, Human Services, and Economic Development: These are three examples of federal resources that are critical to tribal governments and fund services and activities that are designed to strengthen families, communities and reservation economies. Again we express our concern about the elimination or reduction of these line items within the BIA budget.

Indian Health Service Budget.

Staffing for New Facilities/Replacement Facilities: We are thankful to have received funding for the construction of our new 10 bed hospital/Outpatient Clinic that is scheduled to be turned over to Indian Health Service in September 2001. Our user population is approaching 25,000 and will only increase with the opening of the new facility. Additionally the construction of 133 staffing quarters is underway with phase 1 (41 units) expected to be turned over in June 2011 followed by phases 2 to be completed Fall of 2011 and phase 3 to be completed in the summer of 2012. Our concern is that the appropriations for operations and staffing are protected within the FY2011 I.H.S. Budget.

Mental Health and Alcohol and Substance Abuse functions in the I.H.S. Budget are fundamental components of our health care delivery system; our reservation's utilization rates of these services exceed the available fund which has resulted in a waiting list for services such as treatment. We must stabilize these funds so we can move toward prevention and health promotion which will reduce the problems of injuries, accidental deaths, domestic violence, suicide, cirrhosis and other chronic health and social problems that drain our limited contract health care dollars.

I would like to reference FY2011 funding levels to other Native American Programs that are targeted for elimination or drastic reductions under HR1. What is alarming about these targeted programs is that they target low and very low income families.

The Low Income Housing Energy Assistance Program (LIHEAP) assists low income families with home heating bills during Oct. to May. For our families living in substandard homes this program is a godsend. 2,664 families received assistance during FY2010 which is an increase from the previous year. The annual increase of eligible families is another indicator that we need anti-poverty programs for a large percentage of our population.

Women, Infants and Children: This 35 year old program whose mission is to safeguard the health of low income women, infants and children; in FY2010 we served 730 pregnant women, infants and children. We have invested into a mobile outreach van that delivers nutrition and health services at the community level. The program's ongoing success is measured by birth outcomes, nutritional status, breastfeeding and immunization rates and incidence of childhood obesity. The benefits of this federal program have been documented through numerous reports.

BIA Roads: We receive our funding from the Safe Accountable Flexible Efficient Transportation: A Legacy of Users Act (SAFETEA-LU) Section 119 Federal Lands Highways, Indian Reservation Roads (IIR) which is administered through the BIA. This legislation is beneficial to ensuring that we

have funding to transportation needs from planning through construction and includes transit facilities. We have 311.7 miles of roads on the BIA Road System. We struggle with the definition of Indian reservation roads. We have concerns about the funding formula for the distribution of the funds.

Indian Housing: The funding levels of FY2010 must be maintained in the FY2011 Budget. We have over 600 families on our housing waiting list and this list grows each month when desperate and homeless families apply for housing. Housing is a critical component of economic development and the proposed funding cuts would deny us the opportunities to leverage funds for planned housing development projects. We have concerns about the funding formula for the allocation of these funds. The Indian Community Block Grant Program provides us with an opportunity to finance infrastructure projects.

Mr. Chairman, while elected officials continue to quarrel over the FY2011 Budget, necessity requires that we look to budget proposals for FY2012. Each year large land-based Treaty tribes, including Cheyenne River, attempt to persuade Congress to amend the faulty funding formulas that determine the final allocation of federal appropriations. There is a growing consensus among those Tribal governments who have the highest percentage of families living in poverty, that we will never achieve stability and prosperity for our families until we are successful in challenging these federal formulas. We celebrated the passage of legislation such as the Native American Housing Assistance and Self Determination Act (NAHASDA) and Safe Accountable Flexible Efficient Transportation: A Legacy of Users Act (SAFETEA-LU) that established effective and efficient programs to address and remedy specific disparities that exist on the Reservation. The spirit of these laws ring clear, but to our bitter disappointment the implementation of these statutes does not fulfill the intent of the legislation. This is especially true for federal formulas for the distribution of the funds. Although these formulas were well intended, they overlook the most important factor of all – deeply impoverished Native American families. I strongly recommend that your Committee take an active interest in studying the federal formulas to ensure that the precious resources that are allocated to our Native American programs to reach the families they are intended to serve.

In closing, I am reminded that as elected officials we are expected to be honorable, wise and compassionate leaders; to carry the voice of the poor and oppressed throughout the halls of Congress; to ensure that the poorest of poor are cared for; to build the strongest foundation possible for the success of our future generations.

Mr. Chairman, I thank you and each member of the Committee for taking the concerns of the Cheyenne River Sioux Tribe seriously by retaining, at a minimum, the FY2010 funding levels for the Native American Programs in this Appropriations bill. I submit with this statement our appropriations document which will provide Congressional leaders and staff with a detailed understanding of these federally funded programs and their positive impact on our Reservation.

The Chippewa Cree Tribe of the Rocky Boy's Reservation

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Testimony of the Chippewa Cree Tribe of the Rocky Boy's Reservation
On the FY 2012 Budget for the Bureau of Indian Affairs and the Indian Health Service
House Subcommittee on the Interior, Environment and Related Agencies
April 12 and 13, 2011

Chairman Simpson, Ranking Member Moran and Committee Members, thank you for continuing the practice of scheduling annual hearings before this Subcommittee to allow Indian tribes to submit statements and to testify on the Interior Appropriations bill. Were it not for these hearings and testimony being submitted you would have to rely only on the perspective of Federal agencies and that would be quite contrary to the important underlying concept that Indian tribes have a government-to-government relationship with the United States which include the Congress.

The Rocky Boy's Reservation was established by Executive Order on September 7, 1916. The Chippewa Cree Tribe (CCT, governing body) of the Rocky Boy's Indian Reservation was organized in accordance with the Indian Reorganization Act of 1934 as amended by the Act of June 15, 1935. Our governing document is the Constitution and By-Laws of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, Montana enacted in 1935 and amended in 1973.

The Chippewa Cree Business Committee (Tribal Council) is the governing body of the Tribe. The eight (8) Council members and Chairman are elected at large; serving four years on staggered terms. The Tribe elected to 'compact' the Bureau of Indian Affairs (FY 93) and Indian Health Service (FY 94) programs under Title IV of the P.L. 93-638. The historical Act allowed Tribes the opportunity to determine their priorities and to become truly self-governing and to exercise the inherent tribal sovereignty of the Chippewa Cree Nation.

The reservation is located in north central Montana, with the nearest town of significant size (12,000 population in the year 2000) being Havre, Montana - a 70 mile round trip from Rocky Boy's Agency. The US-Canadian border is approximately 90 miles from the reservation. Rocky Boy's Agency is the hub of all reservation activity and serves as headquarters for the Chippewa Cree Tribe. Through recent land acquisitions, the reservation land base is approaching 130,000 acres. None of the Reservation land is allotted and all of the land, with exception of the new acquisitions, is held in trust for the full membership of the Tribe.

The majority of reservation residents work for the self-governing Chippewa Cree Tribe. Compacts are maintained with the Bureau of Indian Affairs (BIA) and Indian Health Service. Funds originating within the BIA [note: there is only one BIA employee at Rocky Boy's due to the self-governance compact], together with tribal government, provides work for (231, full- and part-time) employees. Other employers include: Chippewa Cree Community Development Corporation (25), Rocky Boy public schools (184), Stone Child Community College (57), Chippewa Cree Construction Company (20), Chippewa Cree Construction Corporation (14), National Tribal Development Association (9), Northern Winz Casino (70), RJS & Associates (4), and Chippewa Cree Housing Authority (25). The

Tribe's compact with Indian Health provides opportunities for 135 staff members within the Rocky Boy Health Board.

Mr. Chairman we are fortunate to have received funding from the Justice Department to construct a new **detention center** that will house juvenile and adult detainees in one facility. They will of course be separated. We determined that we needed to have a juvenile facility because we were shipping our troubled kids off and spending huge amounts every year. When they returned they were in worse shape than when they left. Approval was given for the Chippewa Cree Tribe to enter into a contract with the Chippewa Cree Construction Corporation (CCCC) on February 8, 2010 and construction is well underway and we hope will be complete this summer. It should be ready for occupancy this fall or early winter.

The problem then is where do we find the funds to staff and operate it? We are going from a small 6,000 sq. ft. facility for adults only to 38,000 sq. ft. facility for adults and juveniles. Our Operation and Maintenance (including staffing) will be at least \$1.56 million per year. Not only do we need more to operate a large center but this will be the first time we will have housed juveniles and they have various needs including staffing that have never part of our law enforcement budget in the past. We have numerous requests pending before the BIA to make sure they budget for this in their future budget submissions to OMB and to this Subcommittee but we are still not sure that the funds are in the pipeline. We are aware of other detention centers in Indian country that were opened only to have no operating budget and which then had to be closed. We pray that will not be the case with this center. We ask that you discuss this with the BIA.

We also strongly support your efforts at ensuring that **contract support costs** are funded. We are a Self Governance tribe so every program on our Reservation is operated by the Tribe itself. When we negotiate our indirect cost rate with a cognizant Federal agency pursuant to clear OMB criteria we expect that rate to be honored by agencies that we do business with. Every other contractor that works with the government has contract support or administrative costs and they are always honored, but not Indian tribes. At Rocky Boys we have an IHS shortfall of \$682,792 and a BIA shortfall of \$1,091,268. The Federal courts in this country have ruled more than once that paying contract support costs is legally required and in 1987 the Congress directed agencies to stop the practice that was resulting in tribes having to take indirect costs out of direct program dollars which results in a diminution of services to Indian people. We are not aware of any other federal contractor that gets treated this way and we note that most contractors with DOD have indirect costs rates that are many times higher than those negotiated by Indian tribes. We appreciate the increase recommended for IHS and BIA in this area in HR 1. We noted that the increase in that bill for IHS was not going to come out of any of other programs because you recommended an overall increase in the larger IHS budget that was sufficient to cover the contract support increase. That did not seem to be the case for the BIA contract support increase in HR 1. It was not clear if the Committee intended the contract support increase for BIA to come out of other BIA programs. We hope that you can find the funds to allow for full funding of BIA and IHS contract support funds without reducing those agency's program dollars that are used to provide service to our people.

I would also like to address funding in the area of **road maintenance and construction**. Our road maintenance budget from the BIA has remained stagnant at \$162,000 a year for about 20 years. We are spending over half a million a year on maintenance much of it for snow removal. We have a

backlog of deferred maintenance that included \$446,000 worth of projects. Mr. Chairman our roads are bad and when we can't maintain them and repair them our people die in auto accidents. Route 6 on our Reservation was so structurally deficient we had 32 accidents on this road over just a few years. Due to embankment problems, 28 cars actually flipped over while trying to navigate this area. We have had 2 deaths and a year ago an 18 year old girl was paralyzed as a result of an accident on Route 6. Thank God that BIA was finally able to find funds to help us repair this road but they were able to do so only because of the increase they received in ARRA road construction funds. Had it not been for those ARRA funds Route 6 might still be causing accidents. It would appear that over the years, OMB has used the influx of Highway Trust Funds coming to the BIA from the Department of Transportation as a way of reducing the BIA's roads monies but those BIA funds are used in great part for maintenance. Please ask for a report on what the backlog is for maintaining BIA and Tribal roads. When these roads are not properly maintained they fall apart and then have to be replaced which is more costly. The lack of maintenance is the epitome of being penny wise and pound foolish.

Finally I want to bring to your attention the serious problems that surround the manner by which the BIA distributes road construction funds it receives from DOT from the Federal Lands Highway (FLH) office. In 2008 only 28% of appropriated funds for the BIA's Indian Reservation Road (IRR) program were in fact distributed to Indian tribes for BIA and Tribal roads within the exterior borders of this country's Indian reservations. Stated in the inverse, 72% of moneys from the IRR were attributable to countless miles of off-reservation state and county roads that have been added – in some cases illegally – to tribal IRR inventories. Officials in the FLH and the BIA have allowed thousands of miles of State and County roads (whose roads are not a Federal responsibility) into the IRR inventory system. It would appear from what we have seen and what the Interior IG has found that the majority of these miles are being improperly included in the IRR inventory.

- A road proposed to be added to the BIA's IRR "Inventory" in one region is accepted carte blanche while an almost precisely similar road in another region is not.
- Non-existing proposed roads are added to the Inventory (the basis of allocating and distributing IRR funds) in some regions even there is no possibility that such a road will actually reach the stage of being a "scheduled project." Other regional staffs, who appear to not be skirting the rules, do not allow such a tentatively proposed road to be included.
- Some regions define an off reservation road that "accesses" the reservation (and therefore qualifies under the access portion of the regs), so broadly that tribes are claiming thousands of miles of roads that might somehow eventually lead to or access the reservation while other regions require an access road to be within a limited number of miles of the reservation and to directly access it.
- Title 23 of the United States Code restricts IRR funding to the non-Federal share (Local Match) on non-BIA construction projects that are eligible for Federal funding. The non-Federal share varies from approximately 5% to 20% depending on the amount of Federal Lands located within a State. There is documented evidence whereby BIA/DOT has allowed an off-Reservation U.S. Highway to generate funding at 100% with unlimited mileage in one State while Tribes in another BIA Region, in another State, are restricted to the non-Federal share of 13% and are limited to a 15 mile limit. This is on the same U.S. highway that traverses several states.

So how does this manipulation shake out where the rubber meets the road? Prior to the enactment of SAFETEA-LU, the national funding level for the IRR was \$275 million a year. Of that amount the Tribes in the Rocky Mountain Region (all tribes in Montana and Wyoming, except Salish and Kootenai who are in the NW Region), got \$20 million. With the increased authorization in SAFETEA-LU the national funding level for the IRR increased to \$450 million. After that significant national increase the Rocky Mountain Tribes total allocation was \$19 million. Yes, with a \$175 million national increase, the Rocky Mountain Region tribes lost money! This is the region with some of the largest reservations and the most miles of roads of any in the country. .” This is happening because certain tribes are adding thousands of miles of off-reservation state and county roads to their IRR inventories. In 2004 there were 62,000 miles in the national IRR Inventory. In 2010 there are 126,000 miles on this same inventory. So while we have remained stagnant or lost funds during times of large appropriations increases, tribes that are gaming the system are doing just the opposite. There is a tribe in Minnesota whose IRR funds went from \$700,000 to \$7.3 million over the course of two years. A tribe in Oklahoma gave \$20 million of IRR funds to the state of Oklahoma for Interstate Highway 44, a road that the State of Oklahoma is clearly responsible for. So while there are Indian people on reservations who can’t get to their jobs, or their schools or to the hospital due to impassable roads, we have a situation where BIA roads fund are being used to supplant a state’s responsibility for its own interstate highway system, a system and a road for which that State undoubtedly receives Federal Highway Trust Funds.

The formula used to allocate IRR funds is known as the Tribal Transportation Allocation Methodology (TTAM). The BIA continues to tell the Congress and the public that TTAM was a bi-product of a Negotiated Rulemaking Committee called for in the TEA-21 highway bill. What is not discussed is that after that rulemaking committee submitted its work to the BIA, the BIA made some rather substantial changes on its own. Those changes resulted in the manipulation of inventory data that has skewed the Cost to Construct (CTC) and Vehicle Miles Traveled (VMT) calculations for those tribes located near urban area and high volume highways.

IRR funds are allocated under formula known as the Relative Need Distribution Factor and it has three basic components: 1) Costs to Construct (CTC) 2) Vehicle Miles Traveled (VMT) and 3) Population (POP). In addition to on-reservation roads the formula allows tribes to include roads that “access” the reservation. Unfortunately, access is not defined. Without a definition the possibilities are endless. Mr. Chairman, when you are in DC and fly out of Dulles Airport and are heading west on I-66 if you kept going far enough and connected to other highways you would eventually “access” an Indian reservation wouldn’t you? Think of how the VMT part of this formula can be misapplied under such scenarios. The BIA is allowing tens of thousands of miles of such roads into the inventory including Interstates, National Highway System Roads, State, County and Township Roads. Most of these routes do not legitimately provide direct access to an Indian Reservation. A tribe in Wisconsin whose total land base is 4,600 acres now generates 800,878 Vehicles Miles Traveled on 2,436 miles of claimed roads in its inventory. This VMT is greater than the entire VMT for each of five BIA regions of the country.

The BIA is slowly working toward resolving some of this but nowhere quickly enough. We ask the Committee to include statutory language in the FY 2012 Interior bill that will resolve this. We offer our help in drafting such language. Thank you.



Chippewa Ottawa Resource Authority

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February 10, 2011

Honorable Mike Simpson
House Appropriations Subcommittee for
Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Simpson:

Enclosed you will find the FY-2012 request for appropriations of the Chippewa Ottawa Resource Authority (CORA) on behalf of its five member Indian Tribes to support tribal natural resource management programs pursuant to two recently enacted Consent Decrees.

The historic court case *United States v. Michigan*, concerns the exercise of treaty-reserved fishing, hunting, and gathering rights as they pertain to Article 13 of the 1836 Treaty of Washington. Article 13 states that the tribes "stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement." The State of Michigan disagreed with the tribes and the United States regarding interpretation of the Treaty language which ultimately led to the filing of *United States v. Michigan*. The court case and its corresponding litigations and negotiations have spanned over 30 years, and eventually culminated in two recent court-ordered Consent Decrees, the *2000 Great Lakes Consent Decree* and the *2007 Inland Consent Decree*.

The Great Lakes Consent Decree imposed many new management obligations. Recurring base funding levels for each tribe were established prior to the adoption of the 2000 Great Lakes Consent Decree; however, since 2001, CORA has been annually requesting a modest increase in base funding to help the Tribes accomplish the extensive mandates imposed by the Great Lakes Decree; and to offset over a decade of inflation. Costs associated with tribal fishery management programs have increased over the past decade, and except for the funding provided by Congress in 2004 that established a base funding level for the two new CORA-member Tribes, CORA has not received an increase to its base funding for Great Lakes programs, since 1998 (except for a one-time add in 2003 that supported entry of two new member tribes to CORA).

Appropriations Request Letter
February 10, 2011
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The Inland Consent Decree describes the allocation, management, and enforcement processes that will govern the Tribes' Inland (non-Great Lakes) treaty-reserved hunting, gathering, and fishing rights in Michigan. Responsibilities are heavily weighted toward development of regulations, and numerous inter-governmental processes; all of which impose a substantial and permanent financial burden for the Tribes. While providing for long-term sustainable use of the resources for the next seven generations, each of the Tribes will need to establish a management capability in several core areas, including Conservation Enforcement, Biological monitoring and assessment, Tribal Court, and Administration.

All appropriations provided to CORA by Congress since the early 1980's have been in support of the treaty-reserved rights in the Great Lakes and **no Congressional funding has yet been provided to support the Tribes' Inland management needs.** In order to properly meet the responsibilities and mandates for both the Great Lakes and Inland Consent Decrees, CORA requests funding to **maintain** the current recurring base funding for continued operation under the Great Lakes Consent Decree and **provide** for the establishment of a recurring base funding level to support programs necessary for implementation of the Inland Consent Decree.

On behalf of CORA and its five member Indian Tribes, I thank you for your consideration.

Sincerely,



Jane A. TenEyck
Executive Director

Enclosure

c: Rep. Harold Rogers, Committee Chair
Rep. Norm Dicks, Ranking Member
Rep. James P. Moran, Ranking Member
Michigan Delegation



Chippewa Ottawa Resource Authority

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FY-2012 Bureau of Indian Affairs – Department of Interior Appropriations Request

I. Summary.

The Chippewa Ottawa Resource Authority (CORA), on behalf of its five member Indian Tribes, requests **\$4,429,439** in recurring base funding from the Department of Interior's FY-2012 Appropriation Bill, to support tribal natural resource management programs pursuant to two recently enacted Consent Decrees. In particular, the 2007 Inland Consent Decree, to which the federal government is a signatory party, has received no funding for the necessary programs to ensure successful implementation.

II. Background – legal foundation.

CORA is a coalition of five federally-recognized Michigan tribes including; the Bay Mills Indian Community, the Grand Traverse Band of Chippewa/Ottawa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste Marie Tribe of Chippewa Indians.

The Tribes are parties to the historic *United States v. Michigan*, a court case concerning the exercise of treaty-reserved fishing, hunting, and gathering rights as they pertain to Article 13 of the 1836 Treaty of Washington. Article 13 states that the tribes "stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement." In the early 1970's, the tribes began testing the existence of treaty-reserved rights by conducting commercial fishing activities on the Great Lakes that were in opposition to State regulations. The State of Michigan disagreed with the tribes and the United States regarding interpretation of the Treaty language, a disagreement that ultimately lead to the filing of *United States v. Michigan*. At that time, the parties agreed to bifurcate the court case in two components; 1) the exercise of fishing rights on treaty-ceded waters of the Great Lakes, and 2) the exercise of hunting, fishing and gathering rights within the geographic land area of the 1836 Ceded Territory (i.e. Inland Rights). The parties further agreed to first focus and seek resolution to the Great Lakes Rights component, and upon resolution of that issue, address the Inland Rights component. The court case (*U.S. v Michigan*) and its corresponding litigations and negotiations have spanned over 30 years, and eventually culminated in two recent court-ordered Consent Decrees, the 2000 *Great Lakes Consent Decree* and the 2007 *Inland Consent Decree*.

III. Great Lakes Consent Decree (2000).

In 1979, following nearly a decade of litigation in state and federal courts (*United States v. Michigan*), the federal district court affirmed the existence of treaty-reserved fishing rights in the upper Great Lakes of Michigan. These court rulings also determined

that the Tribes could regulate and manage their respective members' fishing activities. Accordingly, the Tribes have developed the biological, enforcement, and judicial programs necessary to properly protect and manage the Great Lakes fishery resource while continuing to exercise fishing activities.

While these court decisions recognized that the Tribes' right to utilize the Great Lakes fishery resource was in fact reserved in the 1836 *Treaty of Washington*, the allocation of fishing opportunities among competing user groups, and the inter-jurisdictional management authority was not addressed. Subsequently, the seven parties to *U.S. v. Michigan*, which included the five CORA Tribes, the State of Michigan, and the United States initiated negotiations in the early 1980's that culminated in a 15-year court-ordered settlement in 1985. In 2000, the parties successfully renegotiated a comprehensive agreement that will govern allocation and management of the Great Lakes fishery resourced through the year 2020. This agreement was entered into federal court as a Consent Decree on August 8, 2000.

The Great Lakes Consent Decree was a complex agreement that imposed many new management obligations on the parties, particularly the Tribes. Recurring base funding levels for each tribe were established prior to adoption of the 2000 Great Lakes Consent Decree; however, since 2001, CORA has been annually requesting a modest increase in base funding to help the Tribes accomplish the extensive mandates imposed by the Great Lakes Decree, and to offset over a decade of inflation. Costs associated with tribal fishery management programs have increased over the past decade, and except for the funding provided by Congress in 2004 that established a base funding level for the two new CORA-member Tribes, CORA has not received an increase to its base funding for Great Lakes programs, since 1998 (except for a one-time add in 2003 that supported entry of two new member tribes to CORA). In fact, CORA's base funding for the Great Lakes, has suffered Congressional funding reductions in recent years, further threatening the Tribes' ability to both meet Consent Decree obligations, and effectively manage and self-regulate their treaty-based fishery.

It is especially important to note that since the parties to *United States v. Michigan* knowingly decided to address and resolve the Great Lakes component of the treaty right first, all appropriations provided to CORA by Congress since the early 1980's have been in support of the treaty-reserved rights in the Great Lakes – **no Congressional funding has yet been provided to support the Tribes' Inland management needs** (see below).

IV. Inland Consent Decree (2007).

In the early 2000's, the parties to *U.S. v. Michigan*, strongly desired to settle the Inland portion of the case through a joint agreement, rather than contentious and costly litigation, such as occurred during the Great Lakes phase. After some two years of complex negotiations, the parties were successful in negotiating an agreement that resolved the question of Inland treaty rights. This agreement was also entered into federal law as a Consent Decree on November 2, 2007 and has no expiration date. Similar to the Great Lakes Consent Decree, the Inland Consent Decree describes the allocation, management, and enforcement processes that will govern the Tribes' Inland (non-Great Lakes) treaty-reserved hunting, gathering, and fishing rights in Michigan. **Note that similar to the Great Lakes Decree, the federal government is a signatory party to the Inland Consent Decree.**

The 2007 Inland Consent Decree is a comprehensive and complex document that resolves the final phase of *U.S. v. Michigan*. In order to achieve an agreement of this scope and magnitude, the CORA Tribes made many concessions, assumptions, sub-agreements, and politically difficult changes in their natural resource harvesting activities and associated management structures, including the forfeiture of commercial opportunities. The Inland Consent Decree also establishes many new obligations and responsibilities for all parties. For the Tribes, these responsibilities are heavily weighted toward development of regulations, biological monitoring and assessment, enforcement of the newly enacted regulations, and numerous inter-governmental processes; all of which impose a substantial and permanent financial burden for the Tribes.

In order to meet the obligations mandated by the Inland Consent Decree, while providing for long-term sustainable use of the resources for the next seven generations, each of the Tribes will need to establish a management capability in several core areas, including Conservation Enforcement, Biological monitoring and assessment, Tribal Court, and Administration. Initiation of these management programs necessitates adequate funding to ensure that the Tribes can meet their obligations, which will ensure the future viability of both the treaty right and the newly established Inland Consent Decree.

V. Funding Request Justification.

Clearly, both the Great Lakes and Inland Consent Decrees represent landmark accomplishments in resolving disputes related to rights reserved in treaties between the United States and Indian Tribes. These two Decrees cover the geographic majority of the State of Michigan and its Great Lakes waters; however, the viability and success of both the Great Lakes Decree and the new Inland Consent Decree will hinge on the ability of all the parties (Tribal, State, and Federal) to deliver effective resource management programs – and the onus is on the Tribes.

We again stress that no funding has been provided to support the Tribes in implementation of the Inland Consent Decree, a highly complex and comprehensive arrangement supported and signed by the federal government! The Inland Consent Decree imposed many new court-ordered mandates and responsibilities for tribal biological, law enforcement, court, and administrative programs, which are extensive.

In order to properly meet the responsibilities and mandates associated with both the Great Lakes and Inland Consent Decrees, CORA requests funding for the following activities:

- 1) **Maintain** the current recurring base funding for continued operation under the Great Lakes Consent Decree.
- 2) **Provide** for the establishment of a recurring base funding level to support programs necessary for implementation of the Inland Consent Decree. These



Illustration 1. Extent of the 1836 treaty-ceded lands and waters (including the Great Lakes).

programs will include, for each tribe: Conservation Enforcement, Biological monitoring and assessment, Conservation court, and Administration.


After making such landmark, long-term commitments, it is imperative that the Tribes not be placed in a position where inadequate funding prohibits them from meeting their obligations, responsibilities, and opportunities under either the Inland or Great Lakes Consent Decrees. Adequate funding is absolutely critical to maintaining the delicate balance embodied in both Consent Decrees; agreements that were designed to resolve a complicated and culturally significant Treaty Rights issue. Moreover, failure to meet mandated obligations risks a "re-opening" of these negotiated agreements or, at a minimum, modifying certain terms of either Decree in a manner that would adversely affect the Tribes' ability to exercise their treaty-reserved rights, or upset the delicate balance of allocation and management strategies among the parties, which of course, includes the federal government as a party.

VI. Distribution of FY-2012 Funding Request among CORA tribes.

CORA Tribe	Current Base – (Great Lakes)	Requested Increase FY-2012 (Inland)	* Total Request (FY-2012)
Bay Mills	\$684,710	300,000	\$984,710
Sault Ste. Marie	\$633,607	300,000	\$933,607
Grand Traverse	\$616,832	300,000	\$916,832
Little Traverse	\$497,145	300,000	\$797,145
Little River	\$497,145	300,000	\$797,145
Total Request	\$2,929,439	1,500,000	\$4,429,439

On behalf of CORA and its five member tribes, I would like to thank you for your past financial support, and request your continued support in FY-2012 in **maintaining** CORA's current base funding for Great Lakes activities, and securing new base funding for implementing CORA's responsibilities under the Inland Consent Decree.

Sincerely,


Jane A. TenEyck
Executive Director

TESTIMONY OF
Patty Brown-Schwalenberg, Executive Director
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON FY2012 BUDGET

As Executive Director of the Chugach Regional Resources Commission ("CRRC"), located in Alaska, I am pleased to submit this testimony reflecting the needs, concerns and requests of CRRC regarding the proposed FY 2012 Budget. As is everyone, we are aware of the ongoing economic problems in the United States, and the growing concern over the federal deficit. We are also aware that the Budget for FY 2012 will necessarily reflect these concerns by cutting funding for many programs and by disallowing directed spending for individual programs. However, while the government is trimming its spending, the federal government must still fulfill its legal and contractual spending obligations. The Bureau of Indian Affairs not only has a legal and contractual obligation to provide funding for the CRRC, but the CRRC is able to translate this funding into real economic opportunity for those living in the Prince William Sound region.

In this vein, CRRC respectfully requests that the Subcommittee restore \$500,000 in recurring base funding in the BIA's Trust-Natural Resources Budget. Year after year, I request that the funding be returned to the BIA's base Budget, due to the difficulties CRRC continues to have receiving its legally- and contractually-bound funding from the BIA. Despite entering into a legally-binding Self-Determination contract with CRRC in 1993, a contract that was subsequently renewed, the BIA has, in recent years, failed to request funding for CRRC in its budget. In 2000 we brought suit against the BIA, which resulted in the BIA agreeing to a contract and funding amount for CRRC. Unfortunately, the BIA continues to fail to provide this funding, and we again had to threaten to sue to receive the funds due to us for FY 2011.

Chugach Regional Resource Commission History. CRRC is a non-profit coalition of Alaska Native Villages, organized in 1987 by the seven Native Villages: Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe. CRRC was created to address environmental and natural resources issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate entity demonstrates the level of concern and importance they held for environmental and natural resource management and protection – the creation of CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding.

In recognition of the level of concern the Villages of the Chugach region had, and the importance of CRRC's work, the BIA awarded CRRC a self-determination contract with the Department of the Interior through the Indian Self-Determination and Education Assistance Act ("ISDEAA"), Pub. L. No. 93-638, in 1993, and received \$350,000 as part of the BIA's base budget from FY 1994 through FY 2002. CRRC has been able to leverage this funding into almost \$2 million annually to support its several community-based programs. While the base funding of \$350,000 allowed CRRC to maintain core administrative operations, specific projects

have received funding from sources such as ANA Grants, the EVOS Trustee Council, the State of Alaska, the BIA, and the Forest Service. With these funds, CRRC has managed to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities.

Employment. Through its many important programs, CRRC has provided employment for 35 Native people in the Chugach Region – an area that faces high levels of unemployment – through programs that conserve and restore our natural resources.

An investment in CRRC has been translated into real economic opportunities, savings and community investments that have a great impact on the Chugach region. Our employees are able to earn a living to support their families, thereby removing them from the rolls of people needing state and federal support. In turn, they are able to reinvest in the community, supporting the employment and opportunities of other families. Our programs, as well, support future economic and commercial opportunities for the region – protecting and developing our shellfish and other natural resources.

Programs. CRRC has a history of successfully increasing its base funding by almost 20% and using those funds to operate several programs that invest in the future environmental and natural resource health as well as the economic viability of the region. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed, brood stock and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to adapt mariculture techniques for the Alaskan Shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger federally-sponsored program. Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for this region considering it is the only shellfish hatchery in the state, and therefore the only organization in Alaska that can carry out this research.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

Statewide Subsistence Halibut Working Group – CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

We appreciate the opportunity to submit this important testimony.

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**Statement of
the
COLORADO RIVER BASIN SALINITY CONTROL FORUM
to the
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
Presented by
DON A. BARNETT, EXECUTIVE DIRECTOR
March 25, 2011
Requesting Appropriations
for the
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM**

For the Department of the Interior

Bureau of Land Management – FY 2012 Appropriation

In Support of \$5,200,000 to assist in Colorado River Salinity Control, Title II from the Soil, Water and Air Management effort, and with support for the President's request for that activity. Also a request that \$1,500,000 be spent on identified salinity control related projects and studies.

This testimony is in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program authorized by the Congress. The BLM budget, as proposed by the Administration in the BLM budget justification document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of these priorities is reducing saline runoff to meet the interstate, federal and international agreements to control salinity of the Colorado River.

The BLM's Budget Justification documents have stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt-retaining measures in order to further the Plan of Implementation of the Federal Salinity Control Program in the Colorado River Basin. The Colorado River Basin Salinity Control Forum (Forum) believes that FY 2012 funds appropriated by the Congress for the Soil, Water, and Air Management Program should be used, in part, for reducing saline runoff in the Colorado River Basin.

The seven Colorado River Basin States, through the Forum, have engaged the BLM in a partnership with the Basin states as has been done previously with the two other federal agencies

implementing salinity control in the Basin. The Forum has requested and the BLM has selected a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for the USBR and the USDA efforts. This enhanced working relationship has taken advantage of the availability of Basin states' cost-sharing monies to leverage federal funds. The Forum is encouraged by the words in the BLM budget document. This document requests \$26 million for the Soil, Water and Air Management Subactivity. The Forum supports the funding request by the administration. As one of the five principal Soil, Water, and Air Program priorities, the Forum believes that the BLM needs to specifically target \$5,200,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used \$800,000 of the Soil, Water and Air Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in FY 2012 could use \$1.5 million. For years, the BLM has dedicated \$800,000 on the effort and now the Forum believes \$1.5 million should be so designated.

The success of the BLM in controlling erosion and, hence, salt contributions to the Colorado River and its tributaries is essential to the success of the Colorado River Basin Salinity Control Program, including adherence to the water quality standards adopted by the seven Colorado River Basin states and approved by the U.S. Environmental Protection Agency (USEPA). Inadequate BLM salinity control efforts will result in very significant additional economic damages to water users downstream. The Forum submits this testimony in support of adequate funding so that the BLM program can move ahead at a pace that is needed to sustain these water quality standards.

OVERVIEW

This testimony is in support of funding for a portion of the Title II program. The Colorado River Basin Salinity Control Program was authorized by the Congress in 1974. The Title I portion of the Colorado River Basin Salinity Control Act responded to commitments that the United States made, through a minute of the International Boundary & Water Commission, to Mexico specific to the quality of water being delivered to Mexico at the international boundary. Title II of the Act established a program to respond to salinity control needs of Colorado River water users in the United States and to comply with the mandates of the then newly enacted Clean Water Act. Initially, the Secretary of the Interior and the USBR were given the lead federal role by the Congress.

After a decade of investigative and implementation efforts, the Basin states concluded that the Salinity Control Act needed to be amended. In response to the Basin states' requests, the Congress revised the Act in 1984 to give new salinity control responsibilities to the USDA and to the BLM. That revision, while leaving implementation of the salinity control policy with the Secretary of the Interior, gave new salinity control responsibilities to the USDA and to the BLM. The Congress has charged the Administration with implementing the most cost-effective program practicable (measured in dollars per ton of salt removed). The Basin states are strongly

supportive of that concept and have proceeded to implement salinity control activities for which they are responsible in the Colorado River Basin.

Since the Congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. The USBR estimates that the quantified economic impacts and damages to United States' water users alone is about \$353 million per year and there are very significant additional damages yet to be quantified. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector,
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration,
- increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

The Forum is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum has become the seven-state coordinating body for interfacing with federal agencies and the Congress in support of the implementation of the Salinity Control Program. In close cooperation with the USEPA and pursuant to requirements of the Clean Water Act, every three years the Forum prepares a formal report analyzing the salinity of the Colorado River, anticipated future salinity, and the program elements necessary to keep the salinities at or below the concentrations in the river system in 1972 at Imperial Dam, and below Parker and Hoover Dams.

In setting water quality standards for the Colorado River system, the salinity concentrations at these three locations have been identified as the numeric criteria. The plan necessary for controlling salinity and reducing downstream damages has been captioned the "Plan of Implementation." The 2008 Review of water quality standards includes an updated Plan of Implementation. The level of appropriation requested in this testimony is in keeping

with the agreed upon plan. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

JUSTIFICATION

The BLM is, by far and away, the largest land manager in the Colorado River Basin. Much of the land that is controlled and managed by the BLM is heavily laden with salt. Past management practices, which include the use of lands for recreation; for road building and transportation; and for oil, gas, and mineral exploration have led to man-induced and accelerated erosional processes. When soil and rocks heavily laden with salt erode, the silt is carried along for some distance and ultimately settles in the streambed or flood plain. The salts, however, are dissolved and remain in the river system causing water quality problems downstream.

The Forum believes that the federal government has a major and important responsibility with respect to controlling salt contributions from public lands. The Congress has explicitly directed specific federal agencies, including the BLM, to proceed with measures to control the salinity of the Colorado River, with a strong mandate to seek out the most cost-effective options. It has been determined that rangeland improvements can lead to some of the most cost-effective salinity control measures available. These salinity control measures may be more cost-effective than some now being considered for implementation by the USBR and by the USDA. They are very environmentally acceptable as they will prevent erosion, enhance wildlife habitat, increase dependable stream flows and increase grazing opportunities.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, consortiums of federal and state agencies, including the BLM, have selected several watersheds where very cost-effective salinity control efforts could be implemented immediately. In keeping with the Congressional mandate to maximize the cost-effectiveness of salinity control, the Forum is requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

Don A. Barnett
Executive Director
Colorado River Basin Salinity Control Forum
106 West 500 South, Suite 101
Bountiful, UT 84010
(801) 292-4663
(801) 524-6320 (fax)
dbarnett@barnettwater.com



Name: Eric Kuhn
 Title: General Manager
 Organization: Colorado River District

March 16, 2011

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives
 B-308 Rayburn House Office Building
 Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Eric Kuhn".

R. Eric Kuhn
Phone: (970)945-8522
Fax: (970)945-8799
Email: ekuhn@crwcd.org



Colorado Water Congress

1580 Logan Street, Suite 700, Denver, CO 80203 (303) 837-0812 FAX (303) 837-1607
E-Mail cwc@cowatercongress.org Website www.cowatercongress.org

Organization: Colorado Water Congress
Subcommittee: Interior, Environment, and Related Agencies
Agency: U.S. Fish and Wildlife Service

April 5, 2011

The Honorable Jack Reed, Chairman
The Honorable Lisa Murkowski, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States Senate
131 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Reed and Senator Murkowski:

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
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3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

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I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I recognize and appreciate that the past support and assistance of your Subcommittee has greatly facilitated the success of these ongoing efforts.

Sincerely,

/S/

Douglas Kemper,
Executive Director
Colorado Water Congress
(303) 837-0812
(303) 837-1607 Fax
dkemper@cowatercongress.org

Metro Parks

1069 W. Main St
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Park Commissioners:

Frances Beasley

Greg S. Lashutka

J. Jeffrey McNealey

Director:

John R. O'Meara

Your Metro Parks:

Battelle Darby Creek

Blacklick Woods
and Golf Courses

Blendon Woods

Chestnut Ridge

Clear Creek

Glacier Ridge

Heritage Park and Trail

Highbanks

Inniswood Metro Gardens

Pickerington Ponds

Prairie Oaks

Scioto Audubon

Sharon Woods

Slate Run Farm and Park

Three Creeks

Walnut Woods

DATE: March 28, 2011

TO: House Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies

FROM: John R. O'Meara, Executive Director, Columbus and Franklin County Metropolitan Park District, (Columbus Metro Parks)

SUBJECT: Written testimony regarding Interior appropriations, Land and Water Conservation Fund and the proposed Competitive Grant Program

Columbus Metro Parks is a regional conservation and park agency serving Central Ohio. Like many Special Park Districts, Metro Parks is an independent government agency that focuses on providing conservation based parks and regional trail systems. Our conservation focus requires that we take a long-term approach to protecting water quality and wildlife habitat while providing outstanding facilities for community education and outdoor recreation. Our regional approach requires cross-jurisdictional cooperation and provides solutions to water and trail issues that transcend political boundaries. We are well positioned to partner with the Federal Government to implement water quality and conservation goals.

Not all states have Special Park Districts as part of their comprehensive approach to providing park and conservation services. Because they don't exist in all states, Special Park Districts are sometimes overlooked in federal legislation. This can be unfortunate since Special Park Districts are often uniquely situated to address conservation and non-motorized transportation concerns that span local political boundaries. We respectfully request that Special Park Districts be specifically included in all future legislation that addresses local conservation, park, and recreation issues.

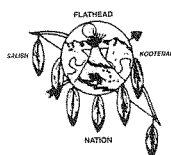
We are supportive of goals of the America's Great Outdoors report including full funding for the Land and Water Conservation Fund and the Competitive Grant Program. We understand that there is tremendous strain on the federal budget but recognize that federal dollars can accomplish more when local partners provide matching funds for projects. We do request that at least 40% of the Land and Water Conservation Funds be allocated to the State and Local side to be distributed through competitive grants.

Since we are independent park agencies with a focus on regional conservation, partnering with Special Park Districts offers a great return on investment. Funding sources like both the Land and Water Conservation Fund and the new Competitive Grant Program would be leveraged with considerable non-federal funding and used in a highly efficient manner.

Thank you for considering Columbus Metro Parks' perspective and the perspective of Special Park Districts as you consider legislation to address our nation's outdoor recreation needs. We look forward to implementing federal conservation goals through local and regional initiatives pursued in partnership with federal agencies.

Sincerely,

John R. O'Meara
Executive Director



A Confederation of the Salish,
Upper Pend d'Oreilles
and Kootenai Tribes

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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TRIBAL COUNCIL MEMBERS:

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Charles L. Morigeau
Terry L. Pitts

James Steele Jr.
Testimony of E.T. "Bud" Moran, Chairman of the Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Reservation
Submitted to the House Appropriations Subcommittee on Interior, Environment and Related Agencies Regarding FY 2012 Appropriations
March 30, 2011

I appreciate the fact the Subcommittee has agreed to hear from the Indian Nations. The actions of this Committee really do have a profound impact on our Reservation and the lives of thousands of Tribal members. The opportunity to communicate directly with the committee is appreciated. We also appreciate the positive statements that both Chairman Simpson and Ranking Member Moran have made about the nature of the Federal/Tribal relationship and the need to protect funding levels for the Bureau of Indian Affairs and the Indian Health Service in particular. When we signed our Treaty with the United States we ceded over 20 million acres – most of what would be considered Washington, Idaho, Montana and Wyoming – in exchange for promises made to us by the United States. As a result of that action, numerous Supreme Court decisions and many acts of Congress, the federal government has a trust responsibility to Indian people. We are pleased to see that the leaders of this committee understand that and will work to protect it.

We understand the current position on earmarks and we understand the need to deal with the Federal budget deficit. Those facts notwithstanding, there are numerous ways in which the deficit can be addressed. It must be understood that the small amounts of funding that constitute Indian programs have virtually no impact on the deficit either way and certainly have no relationship to how the budget deficit got out of hand in the first place. Funding simply must be allocated to Tribes in a manner which enables them to continue to provide services to their members – by any measure, the most impoverished group of people in all of the United States – a fact that is confirmed by countless studies. As we have indicated in correspondence to the committee, we believe that Indian programs should be allowed to reach the point where we have parity funding with other Federal beneficiaries before being asked to shoulder a share of deficit reduction. A specific example of the degree to which Indian nations are underfunded relative to other federal beneficiaries, an example this committee is aware of, is the wide disparities that exist in how various types of health care dollars are allocated (Indians at about \$1900 per capita, Federal prisoners at over \$3000 and Veterans at over \$6000). Another example that you've certainly seen is the data showing the astonishing degree to which our communities lack funding for law enforcement. There are other areas where Indian country is left

behind every other group of American citizens as well – such as the amount of funding allocated for our forests – where the disparity is also evident compared to US Forest Service funding. We hope you will work to end those disparities.

Strengthening Tribal Nations

Tribal governments should not be penalized for exercising Self Determination or Self Governance relative to how federal programs are operated on our Reservations. Contract support funds must be allocated at a level such that we are not losing money by contracting with the Federal government. As you know, no other Federal contractor would put up with having negotiated indirect cost rates ignored. The Flathead Indian Nation is a member of the National Tribal Contract Support Cost Coalition and supports the Coalition's recommendations that IHS contract support costs be increased to \$615 million and BIA contract support costs be increased to \$228 million. We appreciate this committee's recommendations on contract support that were reflected in HR 1. In that bill the overall increase for the IHS was sufficient to allow for your recommended increase in IHS contract support. However, your recommended increase for BIA contract support was not matched by a similar overall increase in the BIA budget. We ask that you consider increasing the BIA's overall budget on a dollar for dollar basis for any increases you make in BIA contract support funds. Otherwise the BIA would be empowered to reduce its program funding by millions of dollars and we would be quite concerned as to the ways in which they might do so. Tribes will be reluctant to take on expanded roles in their own governance if funds are reduced and indirect cost rates are not honored and funded. This would have worse consequences for the United States' budget than would providing adequate funding which would enable Tribes to take leadership roles in managing their own destinies. Indeed, should tribes begin retroceding programs back to the Federal government and requiring agencies to staff and run them, the costs to the Federal government will increase considerably as tribes are far more efficient in operating those programs than the BIA or the IHS would be. Our tribe, for instance, recently built a health care clinic at a fraction (probably a 10th!!) of what it would have cost if the IHS had done it.

So we urge you to make a commitment to Indian Country that ensures there will be no reductions at the agency or Tribal level. Indian Country is already severely under-funded, our people by-and-large live in poverty and many Reservation programs are already cut to the bone – operating as best they can on shoestring budgets. In this way, the United States does not live up to the promises it made so long ago – handicapping a proud and resilient people and ensuring their continual wardship – an outcome desired by neither the United States nor Indian country.

CSKT requests a meaningful increase in BIA Tribal Priority Allocation (TPA) funding which is the core funding for the programs and services we operate under self-governance on the Flathead Indian Reservation. About 135 people (FTE's) are employed with the funding we receive to operate virtually all BIA programs, functions, and services at the local level. TPA funding amounts have remained essentially unchanged since the 1990's. Any significant increase will allow us the opportunity to staff our programs to perform vital work and address the many needs of eligible Indians which includes social services, law enforcement, tribal courts, natural resource management, and trust services. Although the federal government is under a pay freeze for FY 2012, we support Interior's budget request to provide pay costs for employees in tribally compacted/contracted programs.

Economic Development and Common Sense

At a time when funds are limited, it is even more important to be efficient and cost effective. We believe it is important to strive for maximum efficiency and effectiveness and to reduce bureaucratic burdens that simply add costs to budgets that are already under-funded.

The BIA has issued draft leasing regulations for Tribal home sites that appear to add the financial burden of a cadastral survey. This does not make sense, particularly at a time when tribes are facing massive cuts and increased administrative burdens. Homelessness is an issue on every reservation. Adding additional home site burdens and requirements will only exacerbate the situation. New regulations must be more efficient especially if we have fewer funds available to accomplish the work.

BIA must garner the financial support of other agencies to leverage funds for economic development initiatives in Indian Country. There is a willing and ready work force.

Energy Focus

Many Tribes hold assets and resources for the future, which will reduce our country's foreign energy dependence. The Flathead Nation, for instance, will soon be the licensee on Kerr Dam, a 185 MW dam in the heart of our Reservation. Energy development will become an even bigger part of our future than it is now. We hope the Congress will invest in Indian Country today so that the jobs of tomorrow may become a reality on our homelands. We have numerous ideas we are working on relative to still further energy development on our reservation including but not limited to other hydro projects but we and other Tribes must have the resources for feasibility studies and for market analysis of energy resources. We support continued funding of IEED and the funds necessary to enable project specific studies to occur. Without an eye to the future, Indian Country will lose momentum. Indian Country can and must be part of our Nation's energy solution.

2012 Programs

It is difficult to focus on 2012 when the FY 2011 budget is not yet finalized. But when Indian people hear about the potential for reductions in programs that are already down to the bone it scares them terribly.

The 2011 budget is not final yet so it is difficult to comment on funding levels for 2012. All Tribes know the impact of reductions, without necessarily knowing the exact financial funding levels. We hope that you will allocate funds to probate backlog as the probate backlog will interfere with the ambitious goals envisioned in the Cobell Settlement. There are so many thousands of families across Indian country that are still waiting for probate cases to be finalized. Until they are finished, land status is unclear and this is a hindrance to economic development. CSKT requests restoration of funding for probate backlog, lease compliance, and land consolidation; and requests a meaningful increase in funding for real estate appraisals. All of these trust functions are severely underfunded for the Flathead Indian Reservation. For example, the current probate backlog is over 230 cases with 40 – 80 cases originating each year. With nationwide probate clean-up occurring, the probate backlog increases as modifications to existing orders become priorities. This takes time away from probate case preparation as we are still correcting errors from past probates. Our current probate case age is 3.56 years. For land consolidation, there is \$1.3 million pending in fractionated interest acquisitions on tracts that are highly fractionated. If the CSKT could acquire the interests, there is greater

opportunity to lease property and generate revenue. The lack of funding to perform the work increases the backlogs and Indian landowners and heirs are without the means to beneficially utilize their trust land in a timely and effective manner.

While it may not sound like the most important issue in the world, we are concerned about the lack of funding for weed management on Tribal trust lands. Weeds interfere with productivity and the ability to lease Tribal trust lands. Again the parity question comes into play as BIA weed treatment should be funded at a level consistent with other DOI agencies. Needless to say, just like most other programs focused on Indian Country, it has long been underfunded.

CSKT strongly supports funding for water management and pre-development at a level at which all Tribes that need these resources are eligible to apply for them. Tribes need financial support if water rights negotiations are occurring as is the case on our Reservation.

CSKT supports the increase in funding for the Indian Health Service's Current Services and particularly Contract Health Services. However, like the BIA's budget request, we request that pay costs be provided for employees in tribally compacted/contracted programs. About 130 FTE's are employed with the funding we receive to operate all IHS programs, excluding Contract Health Services, at the local level for a user population of 10,993.

Thank you for the opportunity to comment and more importantly, we know you listen. Thanks for watching out for Indian Country.

I can be reached at (406) 675-2700 ext. 1007. Or, you may have your staff confirm and email to budm@cskt.org.



**UNITED STATES HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
HEARING ON THE FY2012 BUDGET**

April 12-13, 2011

Testimony submitted for the record

Gloria O'Neill, President and CEO, Cook Inlet Tribal Council

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Chairman Simpson and Members of the Committee, I am grateful for the opportunity to submit the following testimony for the record.

My name is Gloria O'Neill and I am the President and CEO of Cook Inlet Tribal Council (CITC), an Alaska Native Tribal organization which serves as the primary education and workforce development center for Native people in Anchorage. CITC has been designated tribal authority through Cook Inlet Region Inc., organized through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the Indian Self-Determination Act and Education Assistance Act, P.L. 93-638. CITC builds human capacity by partnering with individuals to establish and achieve both educational and employment goals that result in lasting, positive change for them, their families, and their communities. I also serve on the Tribal Budget Advisory Committee for the Department of Interior Indian Affairs. We present the following recommendations to the Bureau of Indian Affairs and Department of Interior budget:

- The minimum TPA funding level for Alaska Small and Needy tribes be increased to \$200,000 as recommended by the joint reorganization task force;
- Tribal Priority Allocation funding nationwide be increased by 25% to bring it current with inflation and that TPA be adjusted annually, to keep it current with inflation, population growth and the cost of providing services;
- Contract Support Costs for BIA self-determination contracts and self-governance compacts be fully funded in the amounts of \$228 million;
- BIA use the authority per the 1937 Reindeer Act to make funds available to support the reindeer industry;
- Natural Resources dollars be made available to Alaska Tribes and tribal consortiums so that we are able to advocate on our own behalf as it relates to subsistence;
- BIA /DOI budget for and actively assist in protecting the subsistence rights of Alaska Natives in the legal arena;
- DOI and the BIA extend to Alaska Tribes the same opportunity to access resources to benefit their tribal members. Frequently, opportunities are limited to Indian Country or reservation lands. For example, the DOI Strategic plan mentions two important priorities relevant to Alaska but limited to Indian Country and trust land:
 - Interior will strengthen law enforcement **in Indian Country**;
 - Development of conventional and renewable energy resources (solar and wind) and non-energy mineral resources **on trust land**.

COOK INLET TRIBAL COUNCIL
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Demographics and Expanding Service Population

Both directly and indirectly, CITC's programs serve the Cook Inlet Region with an Alaska Native/American Indian population of more than 42,000, which is approximately 40% of the Native population of the state of Alaska; some programs reach statewide. In Anchorage alone, the Native population is approximately 30,000 about 20% of the total Native population in the state. Anchorage is the fourth largest Native community in the nation.

CITC's FY10 operating budget is \$43 million, consisting of 85 grants and contracts from state and federal agencies, as well as corporate and individual support. CITC's programs address many of the social, economic, and educational challenges faced by Alaska Native people. For example, Alaska Native students are *twice as likely* to drop out as their non-Native peers; 33% of Alaska's unemployed are Alaska Native people, and almost 20% of Alaska Native people have incomes below the federal poverty line – nearly three times the rate of non-Native people.

In-migration is accelerating as Alaska Native people find it increasingly difficult to make a living in rural Alaska. 59% of CITC's participants have been in Anchorage for five years or less; and employment, training, and education are frequently cited as reasons for moving to Anchorage. In contrast, the current Bureau of Indian Affairs funding formula for CITC is based on the population figure of 14,569 -- from the 1990 Census -- which leaves CITC deficient in funding the needs of the 42,000 Alaska Natives and American Indians currently residing in our service region.

Program Opportunities

With the support of Bureau of Indian Education Johnson-O'Malley funding, **CITC's educational programs** provide strength-based, culturally-focused educational support services in partnership with the Anchorage School District. CITC currently serves approximately **1,000** K-12 Native students and their families. Our programs encompass K-12 classrooms, focusing on increasing literacy and math skills as well as offering supplemental programs in high-level mathematics and science classes, and health and wellness. Given the projected increase in the Alaska Native population over the next years and the extent to which Alaska Native people will be the backbone of the state's workforce, an educated workforce is key to promoting economic prosperity.

With the support of the P.L. 102-477 program, **CITC's employment and training programs** are based on the premise that effective solutions to workforce development require integrated approaches to ensuring job readiness, training, and placement – approaches that are capable of moving people from welfare to work. Programs involve active cooperation between schools, social service agencies, job trainers, state and federal agencies, Native and non-Native for-profit employers, and CITC-owned microenterprises – all of which build ladders of opportunity for our participants. Since the inception of CITC's Tribal TANF Program in July 2005, **1800** TANF participants have transitioned to unsubsidized employment.

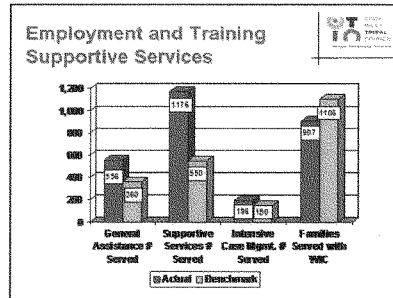
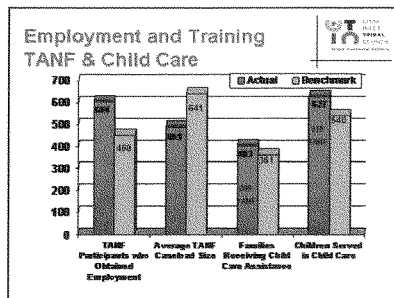
CITC has been able to successfully utilize 477 funding to create job opportunities through social enterprise. The benefit of these operations is two-fold: allowing CITC to create businesses that are supported by earned income while providing a longer-term opportunity for participants to develop good job skills. Through the leverage of funding and social enterprise, CITC has created approximately 75 community jobs on annual basis.

In close collaboration with our workforce development program, CITC is the sole provider of Temporary Assistance for Needy Families (TANF) and Bureau of Indian Affairs Welfare Assistance for Alaska Native/American Indian families in Anchorage. CITC has transformed TANF and welfare assistance from entitlement-based programs to programs of self-determination and personal responsibility. In CITC's TANF and welfare assistance programs, participants develop a mutual plan of action with their case manager that outlines their responsibilities: to get a job and to participate in various training and support services to achieve that goal. As a result, the number of families dependent upon TANF and welfare assistance has decreased, with families making major strides toward self-sufficiency.

Accountability

Program opportunities, such as Tribal TANF, require rigorous standards that are reflected in our organizational commitment to accountability. We have a mandate from the people we serve, from CITC's Board of Directors, from the federal and state sponsors of our services, and from our community as a whole, to provide the highest quality services possible. This is demonstrated by our history of stellar audits and a commitment to quality that can only be realized by rigorously and continually re-assessing how we do business to determine how we may do better.

- CITC consistently beats TANF goals by combining outcome-directed case management with a career center that links employers to work-ready employees.
- The need for supportive services was markedly higher than the prior year.



Public Law 102-477

Administered from the Office of Indian Energy and Economic Development, located in the Department of the Interior Office of Assistant Secretary for Indian Affairs, **Public Law 102-477 (or the “477 program”)** provides a critical foundation for maximizing the effectiveness of CITC’s programs. The law allows the consolidation of funding streams from Department of Interior, Department of Health and Human Services, and Department of Labor, into a single employment and training program. The 477 program enables flexibility on the part of the receiving organization to plan the programming to best fit the needs of the community and minimize administrative redundancy by merging reporting requirements, while still adhering to the Government Performance Results Act’s stringent accountability standards. 267 tribes operate through 63 plans under the 477 program, making this a program of national significance.

CITC has demonstrated that the 477 program is very successful in allowing the leverage of funding to increase effectiveness and innovation. As a result of our 477 program, for example, we have been able to put between **1,000** and **1,500** people to work each year and effectively reinvest TANF savings into related essential programs. In short, the 477 program is a “win-win” for the federal funders and CITC, since it eliminates wasteful inefficiency while maximizing program outcomes. 477 has succeeded in, and has even greater potential to allow tribes and tribal organizations to achieve economic prosperity for their people. In addition to being successful on the ground, the 477 program is fully accountable. Reflective of the national success of the program, the 477 program achieved the highest Office of Management and Budget PART (Program Assessment Rating Tool) rating in Indian Affairs.

These programs provide tribes and tribal organizations the ability to leverage their federal job training and job placement funding for DOI, HHS and DOL-- including TANF, Childcare and Native Employment Works-to maximize efficiency, minimize administrative burdens and serve as many Alaska Native people as possible in a culturally appropriate manner. Funneling these funds through the 477 program saves the government money. Recent changes proposed by DOI and HHS would eliminate innovative strategies such as a drop-in child care center, life skills and job skills training classes, economic development opportunities that supply both subsidized and unsubsidized work experience, and a seamless web of intake, program and service provision that allows for increased services in the hundreds of thousands of dollars.

In addition, the Office of Management and Budget released 2009 mid-year A-133 Circular compliance guidance that requires tribes and tribal organizations to track each funding stream under 477 separately and retroactively. This contradicts the intent of the 477 legislation and effectively dismantles the administrative efficiency and flexibility of the 477 program. These changes require legislative clarification through amendment of the 477 legislation, to make it permanent, to include HHS funds, and to eliminate the requirement to account by CFDA codes. In sum, the 477 program has established success for tribes all across the country over a period of 19 years. The Department has failed to protect the integrity of the program, whose results will be subverted by the proposed changes. As a 477 program participant, we believe that urgent action is required by both the Department and the Committee to protect the future of this highly successful program.



Evan Hirsche, Chair
 Cooperative Alliance for Refuge Enhancement
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**TESTIMONY OF THE
 COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT (CARE)
 BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
 SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
 REGARDING FISCAL YEAR 2012 APPROPRIATIONS FOR THE
 NATIONAL WILDLIFE REFUGE SYSTEM**

April 1, 2011

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2012 (FY 2012) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation and wildlife-dependant recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong Congressional commitment for conserving these special places. Located in every U.S. state and territory, refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. We respectfully request a funding level of \$511 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2012.

This testimony is submitted on behalf of CARE's 21 member organizations, which represent approximately 14 million Americans passionate about wildlife conservation and related recreational opportunities.

American Birding Association	National Wildlife Federation
American Fisheries Society	National Wildlife Refuge Association
American Sportfishing Association	Safari Club International
Association of Fish and Wildlife Agencies	The Corps Network
Congressional Sportsmen's Foundation	The Wilderness Society
Defenders of Wildlife	The Wildlife Society
Ducks Unlimited, Inc.	Trout Unlimited
Izaak Walton League of America	U.S. Sportsmen's Alliance
Marine Conservation Biology Institute	Wildlife Forever
National Audubon Society	Wildlife Management Institute
National Rifle Association	

Although CARE strives to make steady progress toward funding the Refuge System at \$900 million annually, a budget that more accurately reflects demands on the ground, our request of \$511 million for FY 2012 essentially maintains the Refuge System at a flat funding level. It includes only a modest increase over the FY 2010 appropriation in order to keep fuel in the trucks, pay for rising utilities and building rent, and cover other fixed costs. The Refuge System generally requires an annual increase of at least \$15 million to offset these rising costs, but our request for approximately \$8 million in additional funding for FY 2012 accounts for the current salary freeze for federal employees.

An appropriation of \$511 million in FY 2012 would stabilize the workforce by keeping workforce downsizing plans securely on the shelf, thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. It would enable FWS staff to continue making progress toward protecting and restoring America's wildlife and habitat, and providing a positive experience for more than 45 million annual visitors who use refuges for hunting, fishing, watching wildlife, and educational programs.

This funding would also allow the Refuge System to continue its recently initiated inventory and monitoring program. The need for this program was made clear by the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog the assets of Gulf Coast refuges in order to recoup the cost of damaged resources from responsible parties. **Currently, the only refuges in the System with a comprehensive inventory of species and water quality are those that were in the path of the oil. The inventory and monitoring program would fill these information gaps elsewhere across the U.S.**

Many years of inadequate budgets have left the Refuge System's Operations and Maintenance backlog at more than \$3.3 billion. While budget increases in FY 2008 through FY 2010 helped immensely, too many visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and nature education programs eliminated.

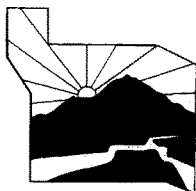
Today, more than 35 percent of America's wildlife refuges have no on-site staff, leaving no one there to unlock gates, teach schoolchildren, administer hunting programs, or carry out restoration projects. Refuges with only one or two staff lack the capacity to partner with interested stakeholders, and opportunities for volunteer involvement and leveraging of additional dollars are lost. Non-native, invasive plants have infested approximately 2.5 million acres (only 13 percent of this acreage was treated in 2010). Further, a crippling shortage of law enforcement officers has left refuges sorely under-protected from illegal activities such as drug production and trafficking, wildlife poaching, illegal border activity, assaults, and many types of natural resource violations. **Currently, only 213 full-time law enforcement officers are tasked with responsibilities and risks that the International Association of Chiefs of Police suggests be tackled by a force of 845 professional officers.**

National wildlife refuges are critically important on local and regional scales. Visitors in 2006 generated approximately \$1.7 billion in sales to local economies, creating nearly 27,000 U.S. jobs and \$543 million in employment income, and adding more than \$185 million in tax revenue. Refuges also provide important environmental and health benefits, such as filtering storm water before it runs downstream to municipal water supplies and, in many areas, reducing flooding by capturing

excess rainwater and attenuating coastal storm surges. While these benefits are undeniably significant, the Refuge System's potential remains largely untapped and unquantified.

Funding increases in FY 2008 through FY 2010 allowed for meaningful progress toward properly patrolling and enforcing laws on 150 million acres, maintaining recreation and education programs for the public, sustaining high water quality, completing habitat restoration projects, and more. Cutting Operations and Maintenance funding back to FY 2008 levels would result in the elimination of several hundred staff positions and loss of important wildlife management, education, and hunting and fishing programs. The way to keep from reversing recent progress is to fund the Refuge System at \$511 million in FY 2012.

On behalf of our more than 14 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY 2012 Interior Appropriations bill.



Copper River Native Association
(AHTNA T'AENE NENE')

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**HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES ON THE FY 2012 BUDGET**
April 12-13, 2011

Testimony of Barry Fowler, Chief Financial Officer
Copper River Native Association, Inc.

Thank you for the opportunity to provide testimony towards the development of the Indian Health Service's and Bureau of Indian Affairs' fiscal year 2012 Budget. I am submitting this testimony to address two specific issues relating to the FY 2012 Budget: (1) Contract Support Costs; and (2) staffing for joint venture facilities. As I explain in my testimony, CRNA believes that Contract Support Cost funding to IHS should be increased to \$615 million, and to the BIA should be increased to \$228 million, in order to meet the two agencies' legal obligations under their contracts and compacts with the Tribes. CRNA also applauds the Indian Health Service for fully supporting the Joint Venture initiative in its FY 2012 Budget Request, although here, too, CRNA is concerned that IHS has not requested the Contract Support Costs associated with operating those facilities.

1. Contract Support Cost funds are a necessity and a legally-required funding component which has been consistently underfunded. The Contract Support Cost shortfalls should be paid in full because they severely impact our ability to operate our contracts under which we provide Federal health and social service programs for the Government. While it may be the general belief that a shortfall in this contract funding impacts only administrative-type operations, the opposite is true: the contract shortfall actually only reduces health services and education, child welfare, and other services. This is because all of our Contract Support Costs are fixed costs that come off the top. If the Government underpays the contracts, we are forced to take the shortfall out of the program budgets in the contracts in order to make up for the difference. We simply have no choice.

The “indirect costs” that make up Contract Support Costs are audited annually. They are also negotiated annually with a cost allocation department within the Federal Government. These costs are for absolute “must” items, not fluff, and they include the same costs incurred by the Federal Government when running the same facilities and programs—plus additional costs from which the Government is exempt such as the cost of annual audits, workers’ compensation insurance, and other insurance costs. When agency funding for these fixed contract costs falls short, we have no choice but to divert program funds to ‘fill the gap.’ This, of course, reduces our ability to provide health and social services to an already greatly underfunded and underserved population. Our Tribes and their members are the ultimate victims of the shortfall.

As you can see, funding the Government’s Contract Support Cost obligation does not inflate or add to the administration or infrastructure of an organization. What it does is restore funding that has been cut from our health care and other governmental services. If the shortfall is paid, we restore the pre-cut program funding levels, primarily through increased employment. That, of course, not only returns services levels back to what they should be, but it also expands and improves our local economy with new jobs; in other words, the result is a double bang for the dollar in two areas where the need is extreme.

Since most of these funds result in employment growth, there is also a mitigating benefit to the Federal Government in the form of income taxes. When this is combined with the other benefits of increased employment and the expanded and improved health care, housing and other services we provide, the benefits far outweigh the costs. Moreover, it bears repeating that ultimately it is not a matter of cost and benefit; it’s a matter of a contract obligation that must by law be paid.

2. The Indian Health Service’s Joint Venture Construction Project (JVCP) is a critically important initiative, because it provides a mechanism, through a tribal-federal partnership, to build IHS facilities that would otherwise take years to get built through the ordinary construction appropriations cycle. We at CRNA are very pleased to have received a JVCP award during this past year to build a desperately needed facility here in the Copper River Valley. The award recognizes our deep unmet needs and allows us and IHS to join hands on the project: us by constructing a new facility, IHS by funding the staffing package and facility operating costs. The process of negotiating the details is nearing completion and we are already moving forward with design and construction. Our doors should be open in mid-FY 2013.

The success of our JVCP project depends upon IHS honoring the JVCP agreement by providing the necessary staffing package funds and associated contract support costs in FY 2013. We are taking on significant debt in reliance on the commitments in our contract with IHS that the agency will do just that. If IHS were to breach that agreement, CRNA would be burdened with major debt service payments CRNA would have no means of paying back, at least not without diverting a large proportion of our existing health care budget. This would be a disaster.

All that said, CRNA is very encouraged that in FY 2012 the IHS Budget Justification states that IHS is requesting all of the funds necessary to fully meet its commitments to staff other JV facilities coming on line in FY 2012. We support that appropriations request for other tribal JV projects and expect IHS to honor the same commitments made to us in its FY 2013 Budget. That said, we do remain concerned that in FY 2012 IHS does not appear to have requested the Contract Support Costs required to operate these new facilities. Without those funds, a facility that, to begin with under IHS policy, will be staffed at only 85% of staffing capacity will be rolled back to little more than 60% of capacity, just to absorb the unpaid but fixed Contract Support Costs that a given Tribe will on average incur.

We respectfully plead and request that you set these two areas (Contract Support Cost shortfall & Joint Venture Construction Project funding) as top priorities for the IHS appropriation.

Thank you again for the opportunity to testify before this Committee.

COUNCIL OF WESTERN STATE FORESTERS
 John C. Maisch, Alaska State Forester and Chair, Council of Western State Foresters
 House Committee on Appropriations
 Subcommittee on Interior, Environment, and Related Agencies
Written Public Testimony on Fiscal Year 2012 Appropriations Recommendations
March 28, 2011

Please accept this testimony on behalf of the Council of Western State Foresters (CWSF). The CWSF is comprised of the seventeen State Foresters and six Territorial Foresters in the Western U.S. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

Introduction

Mr. Chairman and members of the subcommittee, the CWSF appreciates the opportunity to submit written public testimony on the proposed fiscal year (FY) 2012 USDA Forest Service (USFS) Budget related to funding for the State Fire Assistance (SFA) program and on the Department of the Interior (DOI) Budget related to funding for the Rural Fire Assistance (RFA) program. Additionally, the CWSF appreciates this opportunity to provide testimony in support of the Wildfire Suppression Reserve Funds established under the Federal Land Assistance, Management and Enhancement (FLAME) Act within the USFS and DOI budgets in FY 2012. The CWSF recommends that the FY 2012 budget fund these priority programs as follows:

- **State Fire Assistance: \$110 million (\$39 million within the State & Private Forestry appropriation and \$71 million within the Wildland Fire Management appropriation)**
- **Rural Fire Assistance: \$7 million**
- **USFS FLAME account: \$413 million**
- **DOI FLAME account: \$92 million**

The CWSF supports the National Association of State Forester's FY 2012 Appropriations Recommendation Testimony that has been submitted to the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies. Ensuring appropriate funding for SFA, RFA and the FLAME accounts is a priority in the West. These programs provide critically important resources needed to equip first responders and to address the growing threat of wildland fire in response to the heavy accumulation of fuels in many western forests and the large number of fire-prone communities and homes at high risk within the wildland-urban interface. Funding these programs provides necessary resources to equip local agencies to protect human life and property, enables local communities to better prepare for wildland fires and also ensures that other federal, non-fire programs will not be negatively impacted by the cost of suppressing emergency wildland fires.

Background

Because of the impact of wildland fire in the West to communities, forest resources and budgets, the CWSF has been an active participant in the Partner Caucus on Fire Suppression Spending Solutions (Partner Caucus). The Partner Caucus is comprised of a unique group of organizations, including leading industry, environmental, outdoor recreation, and forestry organizations that worked to find new and improved mechanisms to fund emergency fire

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Written Public Testimony on Fire Funding
Council of Western State Foresters
Page 2

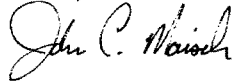
suppression within the USFS and the DOI. This group was instrumental in building support for changing the way we fund fire suppression, which ultimately led to the passage of the FLAME Act by Congress in 2009. The FLAME Act established two funds, one each for the USFS and the DOI, to cover emergency wildland fire suppression costs. Congress was clear that the intent of the FLAME Act was to eliminate the need to transfer funds from non-fire accounts to fund emergency wildland fires, and further, that FLAME funding should not come at the expense of other agency programs.

Programs like RFA within the DOI and SFA within the USFS provide critical resources to local communities to equip and train first responders and engage in wildland fire mitigation activities. For example, the SFA program supports the preparation of Community Wildfire Protection Plans, which serve as a guide to fuels mitigation work and help fire-prone communities protect life and property. These programs leverage federal dollars to enhance the critically important wildland fire protection capabilities of communities and fire districts throughout the West. By assisting first responders with training, purchasing necessary suppression, communications and safety equipment and conducting prevention activities, these programs help ensure a safe, quick and efficient response to wildland fires, which in turn helps reduce suppression costs by reducing the number of large wildland fires.

Summary

We are grateful for the efforts and support of Congress to address the many issues surrounding the increasing cost of suppressing wildland fires. For the reasons outlined above, the CWSF supports whole and healthy FLAME accounts within the DOI and USFS along with funding for the SFA and RFA programs. These programs are all critically necessary components of a solution to our nation's wildland fire suppression funding problem.

Sincerely,



John C. Maisch
Alaska State Forester and
Chair, Council of Western State Foresters

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TESTIMONY

House Appropriations Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2012

Submitted by D.J. Schubert, Wildlife Biologist
April 1, 2011

I have prepared the following written testimony as a wildlife biologist and private citizen. **This testimony is narrowly focused on a disturbing and controversial emerging program of the National Park Service (NPS) to utilize lethal strategies to control native ungulates within this nation's national parks. The purpose of this testimony is to seek appropriations language prohibiting the NPS from continuing to fund or permit such lethal control programs for native ungulates.** While there are ongoing questions about the legality of these park-specific actions, there can be no question that such heavy-handed tactics intended to rapidly reduce native ungulate populations within some of America's most cherished and valuable national parks is inconsistent with the intent of the National Park Service as established by Congress in 1916.

Ninety-five years ago, Congress, in its wisdom, created a federal agency and charged it with overseeing and protecting America's most valuable historic and natural landscapes. The National Park Service was directed to manage this nation's national parks in a manner unlike other federal properties and following a mandate unlike those assigned to other agencies. Unlike the U.S. Forest Service which, among other uses, facilitates logging on federal lands, the Bureau of Land Management directed to manage for multiple uses, or the U.S. Fish and Wildlife Refuge which permits various uses, including hunting, on its national wildlife refuges, the mandate of the NPS was different. That mandate, with few exceptions, was to protect and conserve these areas of unparalleled beauty and magnificence for the benefit of all and to permit their use only when such uses would not constitute an impairment of the resources or values that were unique to each park. In park units, unless explicitly allowed for by Congress in a park's enabling legislation, commercial timber harvest was not allowed, mining was forbidden, and hunting was prohibited. Park wildlife were to be protected and conserved and managed, with few exceptions, by the variability of nature (natural regulation) and not by the hand of man.

The NPS did not initially understand its mandate and many mistakes were made in the increasing number of national parks whereby park superintendents and other officials would permit activities or uses that were entirely incompatible with the purpose of the parks. In the late 1960's, however, the NPS finally embraced natural regulation – allowing nature through drought, natural disasters, and normal ecological succession to shape and mold each park. This mandate was not limited to only protecting wildlife species but extended to the protection and conservation of natural ecological processes – succession, predation, births and deaths, hydrological cycles.

In the early to mid-1990s, the NPS initiated a lethal white-tailed deer effort at Gettysburg National Historical Park. This was an enormously controversial undertaking that spawned two lawsuits. Unfortunately, in the end the NPS initiated the cull and, without scientific justification, decimated the park's deer population adding more blood to the already blood-stained soils of this important historical site. Had this been an anomalous happenstance, perhaps some would have excused the NPS for failing to comply with its own mandate. As evidenced by more recent decisions, however, the NPS-approved deer slaughter at Gettysburg was just the start of a pattern and practice of employing bullets against native wildlife to mitigate perceived, but largely unproven, "problems" attributable to deer and other ungulates. This practice is particularly disturbing given the mandate of the NPS and since humane, non-lethal alternatives are available to address these perceived conflicts. Yet, the NPS, in publishing management plans permitting lethal control of native ungulates, has failed to ensure that its decisions are consistent with its own legal mandates.

Unfortunately, instead of protecting and conserving wildlife and preserving natural processes, the NPS, in addition to its ongoing role in the slaughter of America's bison in Yellowstone National Park, is engaging in the wholesale slaughter of deer or elk on national park units across the country. In the past four years, the NPS has initiated lethal deer control programs in Valley Forge National Historical Park (PA) and Catocin Mountain Park (MD) and lethal elk control programs in Rocky Mountain (CO) and Theodore Roosevelt (ND) National Parks. Furthermore, it is engaged in planning to implement lethal deer control programs in Rock Creek National Park (Washington DC), Indiana Dunes National Lakeshore (IN), and Cuyahoga Valley National Recreation Area (OH). Other parks where lethal control may be implemented in the future are Manassas National Battlefield Park, Monocacy National Battlefield, and Fire Island National Seashore (NY).

I have reviewed the environmental documents prepared to justify each of these park-specific kills except for the elk control effort in Theodore Roosevelt National Park. Based on my scientific background and my understanding of the law, particularly the National Park Service Organic Act and its implementing policies, I assert without hesitation that the NPS has failed, in every environmental document I have reviewed, to provide a legitimate scientific justification for the culls, to prove that such culls are necessary and consistent with NPS legal mandates, or to demonstrate why non-lethal alternatives are not acceptable long-term options for achieving deer or elk management.

For each park, the NPS either failed to provide park-specific data demonstrating a substantial impact of the deer or elk on park vegetation or the evidence provided demonstrated only localized impacts – far from the level of impact that could theoretically be used to trigger one of the limited circumstances under which the NPS is permitted to lethally remove a native species. Frequently, individual parks relied on studies of deer impacts to vegetation, birds, and timber production from other areas (non-park) or regions; areas where the management mandate is entirely different than the mandate governing wildlife and wild land management within national parks. As a result, for example, the NPS has developed deer density goals relevant to forests managed for timber production not forested landscapes within national parks managed, at least theoretically, for the preservation of ecological processes.

In the case of elk control in Rocky Mountain National Park, the NPS has justified its actions based on the presence of Chronic Wasting Disease in the elk which it claims is an exotic organism. In fact, there's little scientific evidence proving the origins of CWD meaning that, if native, the NPS is not authorized to eradicate it or the species that may harbor the disease. Indeed, even the Colorado Division of Wildlife, an

agency that previously embraced widescale ungulate slaughters to control CWD, has recently recognized the ineffectiveness of such control and replaced it with an effort of monitoring the health of the state's ungulate herds.

The legality of these lethal control efforts are also questionable. Considering the NPS "natural regulation" mandate and its associated legal duty to protect and conserve wildlife and the natural ecological processes that operate within national parks, the killing of native wildlife, regardless of whatever alleged impacts may be occurring, is clearly inconsistent with those legal standards. The NPS is ignoring its own mandates and long-standing legal precedent in pursuing these lethal control strategies.

Furthermore, in each park in which lethal control is currently being used (and in those parks where lethal control is being considered) the NPS justifies the culls based on its authority under 16 U.S.C. 1 which it interprets as requiring it to prevent the impairment of park values and resources. The NPS interpretation is correct but it is misplaced. The impairment standard, as clearly articulated in 16 U.S.C. 1 and in NPS policies, is relevant to NPS or public use of the parks. In other words, if the NPS proposes to construct a visitor center in a park, it must comply with the impairment standard. Similarly, if the NPS chooses to allow visitors to use mountain bikes in a park, the impairment standard is applicable. The impairment standard is not applicable to the alleged impacts of a native ungulate on a park's flora or fauna.

The NPS does have limited authority under 16 U.S.C. 3 to engage in the lethal control of native wildlife in a national park but only when said wildlife is determined to be detrimental to the "use of the park." The plain language of this statute can only be interpreted to refer to "public use" of the park. Thus, to authorize lethal control under this statute, the NPS must demonstrate that the species it desires to control is detrimental to the "use (public) of the park." The NPS has failed to either identify this legal standard in its management plans for those parks where lethal control is being used or contemplated and/or to provide any data to demonstrate that the "detrimental to the use of the park" standard has been met or exceeded.

The fact that the NPS is not able to accurately interpret its own legal mandates is particularly troubling given its management authority over all of the magnificent and historically significant lands and sites that Congress has established as units of the national park system. This single issue should cause Congress to pause to consider if these lethal control programs for native ungulates are legal under current NPS statutes, regulations, and policies or if the NPS is engaged in a subjective decision-making exercise intended to achieve a particular objective.

Finally, even if there were legitimate conservation concerns underlying the NPS use of lethal control against native ungulates, there are a number of non-lethal and humane alternatives available to address such concerns. The use of strategically placed fencing, for example, is a proven and effective mechanism to protect sensitive plant species, protected species, and/or larger tracts of forested landscapes. Environmentally-friendly chemical repellents can also be effectively used, under many circumstances, to repel deer from consuming targeted plant species (e.g. protected species, historically or aesthetically important landscape plantings).

While fences and chemical repellents can be effective in preventing deer consumption of floral species, fertility control through immunocontraception has been proven to be an effective means of slowing and stopping the growth of deer and other wildlife species and, if used consistently, can and will lead to a gradual reduction in population size. Indeed, some of the best examples of the effectiveness of

immunocontraception for wildlife population control are from research conducted on national parks (e.g., wild horse population control on Assateague Island National Seashore and white-tailed deer population control on Fire Island National Seashore). Scientific studies have demonstrated that, depending on the immunocontraceptive agent used, a single fertility control treatment can last for as many as seven years in ungulates. The vaccine is administered via dart or, preferably, biobullet shot from an air-powered rifle.

This means that just as the NPS is utilizing sharpshooters (except in Theodore Roosevelt National Park where volunteers are used), often sitting in tree stands by day or night, and shooting deer or elk as they are lured to piles of bait purposefully placed to expedite the killing effort, these same sharpshooters or other trained personnel could just as easily sit in tree stands and shoot deer with biobullets laden with the appropriate immunocontraceptive agent. Though the use of immunocontraception will not achieve an immediate reduction in the size of the ungulate population, it will, in time, lead to a reduction in population size. Considering that the alleged ungulate "problem" in these national parks utilizing lethal control did not develop overnight, there is no compelling reason why the solution has to be immediate particularly when a humane, non-lethal alternative is available.

At present, in some of the parks where lethal control is being implemented, federal sharpshooters are entering the parks under the cover of darkness, accessing shooting stations that have been pre-baited with tasty treats sure to attract ungulates, and lying in wait for their unsuspecting victims. With silencer-equipped weapons, when an animal has taken the bait, a spotlight is used to cause the animal to freeze in his or her tracks making him or her an easy target; another victim of an unjustified and illegal NPS action. Is this how Congress intended wildlife to be managed in National Parks?

As a wildlife biologist and citizen I encourage Congress to take immediate action to stop these lethal control programs by including language in the House Interior Appropriations bill that would prohibit the NPS from spending any federal funds or otherwise permitting any other entity from engaging in the lethal control of native ungulates in any unit of the national park system. Suggested language could be:

No funds appropriated under this legislation shall be expended by the National Park Service to lethally control or kill native ungulates nor shall the National Park Service permit any entity, public or private, to kill said ungulates in any unit of the national park system.

DENVER WATER

1600 West 12th Avenue • Denver, Colorado 80204-1412
Phone 303-628-6000 • Fax No. 303-628-6199

James S. Lochhead
CEO/Manager
Denver Water

March 14, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

On behalf of Denver Water, I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

CONSERVE

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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Sincerely,

/s/Jim S. Lochhead
CEO/Manager
303-628-6500/303-628-6199 fax
Jim.Lochhead@denverwater.org

James E. Scott

President of the “Ding” Darling Wildlife Society – Friends of the Refuge, Sanibel
President of the Blind Pass Condominium Association Board, Sanibel
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TESTIMONY

Before the House Appropriations Subcommittee on Interior, Environment and Related
Agencies concerning Fiscal Year 2012 Appropriations

March 28, 2011

Mr. Chairman and Members of the Subcommittee:

As a long time resident living near the J.N. “Ding” Darling National Wildlife Refuge, I see the direct benefits of a refuge for the protection of all wildlife creatures,(both migratory and permanent), along with the economic benefits of the refuge to the overall fiscal health of this area. Our refuge has a broad range of outdoor and indoor programs creating revenue, jobs in service industries and income for our local community.

If funding were to be brought back to fiscal '08 levels, a number of programs and refuge staff positions would have to be eliminated. They estimate that with a lower benchmark for funding, our refuge could face the elimination of three positions, making it more difficult to protect the nearly 8,000 acres within the refuge boundaries. Educational programs, research projects, etc. would be some of the areas cut. With more than 800,000 annual visitors from around the world, this refuge and the surrounding community would be hard hit if the funding were to fall back to '08 levels.

I ask you to please **consider funding the National Wildlife Refuge System (NWRS) Operations and Maintenance accounts at \$511 million in FY 2012 and maintain funding for key NWRS accounts including fire and construction.** The system actually needs \$900 million to do their job adequately, but we are only asking to keep the management capability at status quo.

Our refuge has a number of endangered and threatened species and I also **urge you to appropriate \$95 million FY2012 for the State Wildlife Grants Program,** which is so important to keep common species healthy and restore declining species before they become endangered. Each year, we all despair at the statistics recording additional species becoming threatened and this funding will help keep that from happening.

With nearly 240 different species of birds living and visiting the J.N. "Ding" Darling National Wildlife Refuge, **I also urge you to allocate \$50 million in FY 2012 for the North American Wetlands Conservation Act (NAWCA).** This will do so many things to help restore habitat and improve water quality which is so essential to the protection and preservation of our wildlife, in addition to having the ability to acquire and restore critical wetlands.

Lastly and equally important, I ask that you fully fund the Land and Water Conservation Fund (LWCF) at \$900 million and to urge you to pass legislation to permanently fund the LWCF. This is vital to helping the System acquire sensitive land in order to establish wildlife corridors between protected areas,

In conclusion, I believe that the only way the National Wildlife Refuge System can meet its important conservation objectives is with strong and consistent funding leveraged by the valuable work of refuge volunteers. Please support:

1. Funding for the NWRS to Operations and Maintenance accounts at \$511 million in FY 2012 and maintain funding for key accounts including fire and construction.
2. Provide \$900 million for LWCF funding for land acquisition and to consider passing legislation to permanently fund the LWCF.
3. Appropriate \$95 million to the State Wildlife Grants Program.
4. Allocate \$50 million to fund the National American Wetlands Conservation Act.

With the challenges we continue to face today in the areas of pollution, invasive species, habitat fragmentation and climate change, support of our refuges is more important than ever.

We all realize that this is a very difficult time for our elected officials and please know that we all appreciate all you are doing to make things work for everyone. Please continue your support of our National Wildlife Refuge System and surrounding landscapes. Thank you.

Name: Michael Preston
Title: General Manager
Organization: Dolores Water Conservancy District

April 9, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

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I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/s/ Michael Preston, General Manager
Dolores Water Conservancy District
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TESTIMONY OF DUCKS UNLIMITED, INC.
BY SCOTT SUTHERLAND,
DIRECTOR OF THE GOVERNMENTAL AFFAIRS OFFICE

BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

April 1, 2011

CONCERNING: FISCAL YEAR 2012 ANNUAL APPROPRIATIONS

Thank you for the opportunity to offer comments on the Fiscal Year 2012 Interior Appropriations bill. Ducks Unlimited, Inc. (DU) is a national wetlands conservation organization that works in all 50 states and across the continent to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. After decades of pursuing habitat conservation, DU is now the world's largest and most effective private waterfowl and wetlands conservation organization. DU is able to multilaterally deliver its work through a series of partnerships with private individuals, landowners, state and federal agencies, scientific communities and other entities.

We submit this testimony on behalf of the over one million DU members and supporters who are waterfowl conservationists, including hunters, bird watchers, and other outdoor enthusiasts, and are concerned about the future of waterfowl habitat conservation in this country.

The North American Wetlands Conservation Act (NAWCA)

NAWCA, enacted in 1990, is a competitive grant program that facilitates efforts by resource managers and a wide variety of partners using strategies to restore and enhance habitat. The program is also used to protect the quality habitat that remains. Habitat work is completed on both public and private lands, improving recreational opportunities while providing additional economic benefits for landowners and their communities.

The NAWCA program was funded in FY 2010 at \$47.6 million, and the President has recommended \$50 million for the program in his FY 2012 budget request. The Administration's support of the program in these difficult fiscal times says much about its proven effectiveness on the ground, fiscal responsibility, and long-standing, bipartisan support. These grants are very competitive and project demand far exceeds available funds. Therefore, we respectfully request that the Subcommittee fund this program at the President's requested level of \$50 million, or at least FY 2010 level of \$47.6 million.

A U.S. Fish and Wildlife Service study showed that every year the NAWCA program creates over 8,500 jobs while generating over \$192 million in worker earnings. This level of job creation and worker earnings shows that this program provides jobs on the ground in the form of employing local contractors, engineers, wildlife biologists, community-based retail businesses, and many more, and provides a valuable return for investment for the federal government.

In addition, wildlife-related recreation generates over \$100 billion of economic output each year, and NAWCA plays a large part in keeping protecting and restoring wetlands habitat used for hunting and wildlife watching. In many cases, this economic activity is vital to the incomes of rural Americans and it serves as the base for major industries that produce outdoor equipment and a wide range of other products.

The law requires each federal dollar put into the program to be matched by at least \$1 in non-federal funds. To the credit of this program, the partner investment in NAWCA has far exceeded the required match. On average, 3.2 non-federal dollars have been committed to combine with each federal dollar invested.

NAWCA is also helping to slow the trend of wetland loss in the U.S. Historically, the lower 48 states of the United States have lost approximately 53% of their original wetlands. The state of California, which winters most waterfowl in the Pacific Flyway, has lost a staggering 91% of its original wetlands and in Maryland, a crucial wintering ground in the Atlantic Flyway, wetland loss is 73%. The United States continues to lose more than 80,000 acres of the wetlands most important to fish and wildlife each year and faces increased threats from changing land use patterns and the loss of other protections. These losses have dramatic negative impacts on waterfowl and other fish and wildlife, water quality, land quality, and restrict access to hunting and angling opportunities.

For these reasons, we respectfully request that the Subcommittee examine the successes of this program over the last twenty years, and support funding for the North American Wetlands Conservation Act at \$50 million, or at least FY 2010 levels of \$47.6 million.

U.S. Migratory Bird Joint Ventures

The Joint Ventures (JVs) are a group of collaborative, regional partnerships of government agencies, non-profit organizations, corporations, and individuals that conserve habitat for priority bird species, wildlife, and people. The JVs were created to support the North American Waterfowl Management Plan (NAWMP) in 1986, and currently use 18 habitat-based JVs to address bird habitat conservation.

NAWCA is helping to successfully implement the habitat objectives of the NAWMP and other national and international conservation plans for wetland-associated migratory birds. The regional Joint Ventures (JVs) play a substantial role by fostering partnerships to successfully deliver NAWCA projects. DU is actively involved with many of the JVs and, while habitat conservation programs like NAWCA should come first, we support future funding to continue the work of the existing JVs to help facilitate on-the-ground conservation.

The Joint Ventures have a long history of collaborative conservation, and in FY2010, every dollar appropriated for the JVs was matched by more than \$30 in non-federal partner funds. For this reason, we ask that the Subcommittee support the President's request of funding for the JVs at \$15 million or at least FY 2010 levels of \$14.2 million.

Neotropical Migratory Bird Conservation Act

The Neotropical Migratory Bird Conservation Act is another important partnership program for the U.S. Fish and Wildlife Service and their efforts to foster international conservation of migratory birds and their habitats. Most migratory birds in which Americans share an interest, whether aesthetic or economic, travel between Canada and Latin America. Since enactment in 2000, partners in 42 U.S. states and 30 countries have been involved in nearly 200 conservation projects through this program. To date, more than \$17 million in grants have leveraged nearly \$90 million in partner contributions to affect millions of acres of habitat for and a broad array of migratory bird species.

The Act was unanimously reauthorized by Congress in 2006. Recognizing its role in the life cycle of migratory birds, the program was expanded to include Canada nesting grounds and we believe the program will help to accelerate habitat conservation along the entire migratory route of hundreds of bird species including waterfowl. Ducks Unlimited asks the Subcommittee to support funding for this program at FY 2010 levels of \$5 million.

Land and Water Conservation Fund

The Land and Water Conservation Fund is a unique conservation program in that it was intended to be funded solely by revenues from off-shore drilling. The program's current authorization is \$900 million, yet funding has only reached that level twice in its 46 year history. Appropriations in FY 2010 for the entire program were \$458 million, with appropriations for the U.S. Fish and Wildlife Service at \$86 million. Some of these U.S. FWS funds were used to purchase conservation easements from willing landowners in the waterfowl-critical Prairie Pothole Region.

Willing seller land conservation is a concept that has been supported by both political parties. Much land now considered as national treasures has been conserved in this way. This is especially true in areas important to wildlife in America's northern Great Plains. There longtime owners are embracing the idea of conserving their family's tradition of ranching and seeing the land in a wide open state. They are lined up by the hundreds hoping for the chance to make sure their lands are kept wild and open. We ask that you support land acquisition funding for the U.S. FWS to purchase willing seller conservation easements in the Prairie Pothole area of the country.

Keep FY 2012 Bill Free of Extraneous Policy Provisions

Ducks Unlimited opposes inclusion of policy "riders" which would undermine the ability of the departments and agencies under the Subcommittee's jurisdiction to implement their statutory responsibilities. In particular, DU opposes any provision which would prevent the Environmental Protection Agency (EPA) from proposing, finalizing, or implementing any guidance, rulemaking, or other authorized administrative action concerning jurisdiction over "waters of the United States" under the Clean Water Act. A broad set of factions with diverse philosophical outlooks have called for new guidance and/or rulemaking after earlier guidance was produced that has caused confusion and expense to achieve jurisdictional determinations. These factions include the home building industry, agriculture, and conservation interests.

DU strongly supports administrative actions the EPA and Army Corps of Engineers could take to restore Clean Water Act protections to some of the wetlands, and other waters that are now at

risk of destruction under the Supreme Court's *SWANCC* and *Rapanos* decisions. These actions are necessary and appropriate. In fact, Supreme Court justices, including Chief Justice John Roberts, have urged the agencies to take such action. Any steps the agencies could take would occur through well-established administrative processes, which provide multiple opportunities for public participation, comment, and review. We believe it is premature and counterproductive to bar potential agency action, which could restore long-standing Clean Water Act protections to wetlands that provide essential habitat waterfowl and ask that the Subcommittee refrain from including such riders in their FY 2012 Interior appropriations bill.



WRITTEN TESTIMONY BY

MARTIN LASSEN
CHAIR, RETROFIT COMMITTEE
EMISSIONS CONTROL TECHNOLOGY ASSOCIATION

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR & ENVIRONMENT COMMITTEE
AND RELATED AGENCIES

APRIL 1, 2011

The Emission Control Technology Association (ECTA) appreciates the opportunity to submit written testimony regarding the Fiscal Year 2012 (FY12) funding for the Diesel Emission Reduction Act (DERA) program administered by the Environmental Protection Agency (EPA). This Subcommittee has repeatedly recognized the importance of funding diesel emission reduction programs, and on behalf of ECTA, I both thank you and encourage you to continue that commitment. Specifically, we respectfully request that the Committee fund the DERA grant program at \$50 million for FY12, which is equal to the FY08 level.

Background

ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies. ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three and a half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter.

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of emission control devices that remove fine particulate matter and other pollutants in diesel exhaust.

This technology is required on all new on-road heavy duty engines manufactured after January 1, 2007. This has and will continue to make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Highway Rule was promulgated that the technology would generate \$66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.¹

The challenge that we continue to face is how to retrofit this new technology onto existing vehicles and engines that are on the road today. These vehicles and engines do not have the

¹ See Environmental Protection Agency (July 7, 2005), "2007 Heavy-Duty Highway Final Rule," <http://www.epa.gov/OMSWWW/diesel.htm>.

emissions control technology that is required for new vehicles. Consequently, they are the “dirtiest” diesel devices in use, and there are a lot of them.

EPA estimates there are currently 20 million heavy duty diesel engines in use today, the so-called “legacy fleet.”² Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030. The best way to clean up the legacy fleet is to retrofit it with the same kind of technology that is being installed on new vehicles. This retrofit equipment could include emission control devices, such as a diesel particulate filter or a diesel oxidization catalyst. It also could include replacing or repowering the vehicle or engine.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in retrofit technology unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because they generate benefits in the form of cleaner air and improved public health for all of society.

Congressional Action

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. This Subcommittee started addressing this problem as far back as FY03. At that time, the Subcommittee took the lead in appropriating \$5 million to provide the original funding for the Clean School Bus USA program.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed DERA. This provision of law authorized the expenditure of \$200 million per year for FY07 through FY11 to finance diesel retrofits through grants and revolving loans.

In December of 2010, during the lame duck session, Congress took the extraordinary step of reauthorizing this important program. The reauthorization extended the program from FY12 through FY16 at a level of \$100 million a year. It also made key changes to the structure of the program to provide greater efficiency by streamlining the grant process, improve EPA’s administration, and ensure full consideration of the congressional policies and priorities established in the law.

Since enactment in 2005, DERA has been successful from an economic, environmental and public health perspective. The DERA program has been responsible for the creation and retention of local US jobs that involve manufacturing, installation and servicing of emissions related technologies. In a FY08 Report to Congress, the Environmental Protection Agency (EPA) estimates that for every dollar spent on the DERA program, an average of more than \$20 in health benefits are generated. Every state in the nation now has a diesel retrofit program and benefits from DERA funding.

² Environmental Protection Agency, “Report to Congress: Highlights of the Diesel Emission Reduction Program.” <http://www.epa.gov/otaq/diesel/documents/420r09006.pdf> p.3

This Subcommittee has done a valiant job in trying to find the resources to fund DERA. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this Subcommittee. But this Subcommittee has continued to approve funding for this extremely important and cost-effective program and we appreciate all of your efforts. We need your continued support to ensure the program's ongoing success. Without funding, the DERA program, and its environmental, public health, and economic and jobs benefits, will be in jeopardy.

Our Request and Rationale

We respectfully request \$50 million for the DERA in FY12. Given the current economic climate and the need for fiscal restraint, we are only requesting the FY08 funding level. We believe that this proposed level of funding is reasonable and appropriate for several reasons.

First, the money will be well spent because diesel retrofits have been proven to be one of the cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve lowest cost per ton of emissions reduced compared a long list to other strategies for reducing emissions from the transportation sector.³ For example, installing a diesel particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.⁴

Second, DERA represents a unique opportunity to simultaneously stimulate the economy and save jobs while improving national environmental and health outcomes. Employing a methodology based on the use of standard economic multipliers provided by the Bureau of Economic Analysis's RIMS II model, a study by Keybridge Research concluded that DERA is likely to generate approximately \$6 of increased economic output for every \$1 of federal expenditures.⁵

Third, spending on diesel retrofits generates a substantial return on an investment. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate \$20 billion of economic and health benefit for \$1.5 billion of cost. In a recent Report to Congress on the first year of the DERA program (FY 08), the EPA estimates that for every dollar spent on the DERA program, an average of more than \$20 in health benefits are generated.⁶

Fourth, because DERA sets aside 30% of its funds for a State Grant Program, it can be used to help States reach attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Every state in the nation now has a diesel retrofit program and would benefit from DERA funding.

³ See ECTA comments (February 20, 2007) in Federal Highway Administration Docket No. FHWA-2006-26383, <http://dmses.dot.gov/docimages/p89/454896.pdf>, <http://dmses.dot.gov/docimages/p89/454899.pdf>

⁴ *Ibid*, Table 4, p. 10, <http://dmses.dot.gov/docimages/p89/454896.pdf>

⁵ Keybridge Research, LLC, "Green Stimulus: The Economic Impacts of Funding the Diesel Emission Reduction Act." <http://www.ectausa.com/documents/DERAEconomicImpactStudy.pdf> p. 16

⁶ Environmental Protection Agency, "Report to Congress: Highlights of the Diesel Emission Reduction Program," <http://www.epa.gov/otaq/diesel/documents/420r09006.pdf> p.11

Fifth, the resources available to fund diesel retrofits far exceeds the demand. Despite increased funding in recent years, the DERA program continues to be oversubscribed. In FY 08, EPA received approximately \$5 in requests for every available dollar.

Finally, there is a very broad base of support for the DERA program. As previously noted, DERA enjoys strong support from both sides of the aisle in Congress and from the entire range of private interests and non-profit public interest groups. A letter was recently sent to the Chairman and Ranking Member from a uniquely broad coalition of more than 440 environmental, science-based, public health, industry, labor and state and local government groups supporting the request for \$50 million for FY12. Few environmental programs enjoy such widespread support.

State and Local Air Quality Grants

We would also like to endorse the request made in the written testimony of the National Association of Clean Air Agencies (NACAA) to fund State and local air quality grants (STAG). State and local governments hold primary responsibility for preventing and controlling air pollution. They rely on grants to carry out their core obligations under the Clean Air Act, including monitoring air quality, assessing emissions impacts, permitting and inspecting sources, and enforcing environmental regulations.

For FY 12, NACAA recommends that grants within the STAG program for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act be funded at the level requested by the President, \$305.5 million. We support NACAA in this request.

Conclusion

Thank you again for the opportunity to provide written testimony. In closing, we urge you to fund DERA at \$50 million for FY12 because it will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

TESTIMONY ON FY 2012 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KAREN R. DIVER, CHAIRWOMAN
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
April 1, 2011

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. We appreciate having the opportunity to provide you with testimony on FY 2012 Appropriations for the Indian programs funded through the Department of the Interior and Indian Health Service. The Fond du Lac Band provides health, education, social and other governmental services to approximately 6,700 Indian people living on or near our Reservation in northeastern Minnesota. These programs are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources.

BIE: Education. We urge Congress to increase funding for Bureau of Indian Education (BIE) Elementary/Secondary School Programs. The Fond du Lac Band relies on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School. The Ojibwe School serves approximately 320 students most of whom are tribal members or descendants of tribal members. Most of our students come from very low income households, illustrated by the fact that more than 90% of our students qualify for free or reduced rate lunches. But although American Indian students are the most at-risk group of students in our Nation, the BIE Elementary/Secondary School Programs have been historically under-funded. We ask that BIE Elementary/Secondary School Program funding be increased as follows:

ISEP funding. We do support the President's proposal to increase, by \$3.9 million, BIE funding for the Indian School Equalization Program Adjustments to assist tribal schools in implementing safety and security programs. However, we urge Congress to also increase the Indian School Equalization Program (ISEP) Formula Funds above that requested in the President's budget. ISEP Formula funds are the primary means by which we pay the costs of school operations and education programs but these funds have consistently fallen very far short of our need.

Tribal Grant Support Costs. We also support the President's proposal to increase by \$3 million, BIE funding for Tribal Grant Support Costs. These help tribal schools, like the Fond du Lac Ojibwe School, cover administrative costs without using program funds. However, because these funds have seen no increase for many years even though costs have risen, we urge that these funds be increased above the amount requested by the President.

School Facility Operations and School Facility Maintenance. We support the President's proposal not to reduce the funding for school facility maintenance but urge Congress do more by increasing funding for school facility operations and school facility maintenance from prior year's funding levels. This is important as past funding has not kept pace with the cost of school operations or the growing backlog of Indian schools and facilities needing repair.

BIA: Public Safety and Justice. We urge Congress to increase BIA funding for law enforcement above the level proposed in the President's budget. While we support the President's proposal to increase law enforcement funding (through the Department of Justice) to increase the number of FBI agents working in Indian country, because the FBI's work will be limited to targeting specific major crimes, this increased funding will not address the growing day-to-day law enforcement needs on our Reservation. We also ask that Congress increase the Band's base funding by \$2 million for court operations and law enforcement, and provide a one-time appropriation of \$8 million to allow us to expand the facility that houses our law enforcement department – a facility that is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement on matters that are not addressed by the FBI. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State v. Stone*, 572 N.W.2d 725 (Minn. 1997). Over the years, we have done this using a combination of tribal and federal funds (made available through the Community Oriented Policing Services (COPS) program and the BIA), and by cooperative agreements with local law enforcement agencies. Currently, however, the Band receives no financial support for operations for its police department. At the same time, because of the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation our law enforcement responsibilities continue to grow. Prescription drug abuse is an epidemic. Increasing numbers of our elders and others are the victims of more frequent assaults and robberies that are prescription drug related. Our officers are responding to a growing number of drug related overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. We also respond to a wide range of other matters, including, for example, reports involving domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well as numerous traffic-related matters. In 2010 alone, our Law Enforcement Department responded to 5,057 incidents and requests for assistance. This is an average of 14 calls each day, and is an 8 % increase above the number of calls our Law Enforcement Department received in 2009.

To address these problems, we need to increase our law enforcement staff and ensure effective law enforcement coverage 24/7. But we do not have sufficient funds to hire the number of officers we need. We currently employ 13 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe School), a Chief of Police, and 3 administrative staff. To the extent possible we schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. In fact, to effectively patrol the Reservation we should have 4 officers working each shift and a second investigator, for a total of 20 officers. Fewer officers on duty means serious safety issues for both officers and the people we need to protect. The increasing number of calls for police assistance also means that we need more than one investigator and, with our limited staff we cannot implement proactive measures, such as education and outreach programs.

Federal funding is also vital for law enforcement equipment. We have, in the past, depended on funding through the COPS program but COPS funds are limited and not sufficient to meet our needs. Because our officers patrol a 170-square mile area, squad cars regularly need to be updated and replaced. We also need to upgrade our communications equipment. We have mutual

aid agreements and coordinate law enforcement with St. Louis and Cloquet Counties which are updating their communications systems to digital systems. We will need to do the same to ensure that our systems are integrated with the Counties' system. This means replacing the portable radio equipment for each of our officers at an estimated cost of \$40,000 (\$2,500 per unit for each of 16 officers) and for each patrol car at an additional cost of \$30,000 to \$40,000 (\$3-\$4,000 per unit for each of 10 vehicles).

Finally, we need a new facility for our law enforcement department. The department is still housed in a 6-room building which we share with the Band's housing program. It has no room for investigative interviews, nor office space for specialty positions such as investigators. The evidence room and reception area are all completely inadequate for law enforcement purposes and, with the increased number of call we are receiving, is becoming more inadequate each day. A new building with a garage, along with a larger evidence room, storage room for record keeping, and a training room for officers, is essential.

BIA: Natural Resources. We very much appreciate the funding for BIA Natural Resource programs that Congress has provided in past years and support the President's proposal to increase (by \$5 million) the funding for these programs. We also support the President's proposal to include \$1 million (with funding for BIA Public Safety and Justice) for Tribal Conservation Law Enforcement Officers. Natural resources are vitally important to our Tribal members as they provide the foundation for our culture, meet subsistence needs, and provide employment. The Fond du Lac Band's right to access natural resources within and outside our Reservation was reserved by Treaties with the United States in 1837 and 1854 and reaffirmed by the courts. In connection with these Treaty rights, the Band is responsible for managing natural resources and for enforcing Band conservation laws that protect those natural resources by regulating tribal members who hunt, fish and gather those resources both within and outside the Reservation. Funding is essential for that work. Fond du Lac routinely partners with state, federal, and tribal organizations to conduct research and management activities. We request that \$2 million be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

We are aware that Congress intends to reduce spending in many areas of the current budget, but urge Congress to, at least, maintain current funding levels for all Federal programs that support the conservation and restoration of natural resources. Specifically, we request that Congress fund the U.S. Fish and Wildlife Service State and Tribal Wildlife Grant Program, the Environmental Protection Agency-Great Lakes Restoration Initiative, Tribal Historic Preservation Offices, and all BIA programs related to natural resource and land management at the levels indicated in the President's budget request.

BIA: Human Services. We support the President's proposed increase in funding for Human Services programs but urge Congress to increase funding by more than the \$831,000 proposed. A larger increase is needed to address the impact that the methamphetamine epidemic has on not only public health and safety, but also on child protection, child welfare and foster care services. Increased funding for social services and Indian Child Welfare Act programs are essential if

Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

Indian Health Service. We fully support the President's proposed increase in funding for the Indian Health Service and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and the complications associated with diabetes, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. While other federal programs, like Medicare and Medicaid, have seen annual increases in funding to address inflation, the budget for IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100% of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 6,700 Indian people at our clinics, but the current funding level meets only 38% of our health care funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to modeled and replicated throughout Indian Country. Related to this is the fact that more and more government agencies are expecting local units of governments, including Tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac, like most tribes, does not have the financial resources to establish new program initiatives, like supportive housing, without assistance from the federal government. We urge Congress to support programs through IHS or the BIA that would fund supportive housing for tribes in every area of the country.

In conclusion, the needs at Fond du Lac and throughout Indian Country remain massive. Your support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members.

Miigwech. Thank you.

Hearing Before the House Subcommittee on Interior, Environment,
AND RELATED AGENCIES ON THE FY 2012 BUDGET
April 12-13, 2011

Testimony of Harold Gus Frank, Chairman of the Forest County Potawatomi Community--a
member of the National Tribal Contract Support Cost Coalition

My name is Harold Gus Frank, the Tribal Chairman of the Forest County Potawatomi Community. The Forest County Potawatomi Community is proud of its state of the art Health & Wellness center located in the rural northwoods of Wisconsin. This testimony is offered on behalf of the tribe¹ to discuss the legal obligation and urgent need to fully fund the “contract support costs” that are owed to the Forest County Potawatomi Community and other Tribes performing contracts and compacts on behalf of the United States pursuant to the Indian Self-Determination Act—specifically \$615 million for IHS contract support cost requirements and \$228 million for BIA contract support cost requirements.

No single enactment has had a more profound effect on more tribal communities than has the Indian Self-Determination Act. In just three decades Tribes and inter-tribal organizations have taken over control of vast portions of the BIA and IHS, including federal governmental functions in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a single Tribe in the United States is without at least one self-determination contract with each agency, and collectively the Tribes administer over **\$2.82 billion** in essential federal governmental functions, employing an estimated 35,000 people.

In the IHS Aberdeen Area, over 20% of the IHS budget is under contract to the Tribes. The Forest County Potawatomi Community has demanded their self-determination rights and secured control over IHS and BIA programs. The ISDA has been a success unprecedented in the history of America’s relations with its Tribes. As tribes exercise the primary role of controlling and administering essential governmental services, the ISDA has been a useful means for them to address specific needs in key governmental areas and to engage in meaningful economic and resource development to improve the quality of life for members.

The ISDA employs a contracting mechanism to carry out its goal of transferring essential governmental functions from federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the Act requires that IHS and the BIA fully reimburse every tribal contractor for the “contract support costs” that are necessary to carry out the contracted federal activities. (Cost-reimbursable government contracts similarly require reimbursement of “general and administrative” costs.) Full payment of fixed contract support costs is essential: without it, offsetting program reductions must be made, vacancies cannot be

¹ The Forest County Potawatomi Community (WI) is a member of the National Tribal Contract Support Cost Coalition, comprised of 19 Tribes and tribal organizations situated in 10 States and collectively operating contracts to administer over \$400 million in IHS and BIA facilities and services on behalf of over 250 Native American Tribes.

filled, and services are reduced, all to make up for the shortfall. In short, a contract support cost shortfall is equivalent to a program cut.²

For years the Administration failed to request full funding for its contract support cost obligations, and the resulting shortfalls grew. This has had the cascading effect of negatively impacting tribes. The shortfalls attack first those tribes with the smallest voice, tribes whose leadership has tribal Constitutional obligations to fulfill.

The first major effort to address this deficiency in the past 10 years occurred in FY 2010, when Congress and the President supported a \$116 million increase to reduce the IHS contract support cost shortfall by about one-half, and a \$21 million increase to address BIA contract support cost shortfalls. The IHS increase, alone, will eventually restore 2,820 health sector jobs in Indian country. Even still, in FY 2010 these increases left a severe contract support cost shortfall well in excess of \$100 million.

Today IHS projects an FY 2012 shortfall in contract support cost payments of \$153 million. That means a \$153 million cut in tribally-contracted programs next year—not IHS-administered programs, but tribally-administered health programs alone—to cover the shortfall.

The BIA reports that its CSC shortfall exceeded \$62 million in FY 2010, meaning full contract support cost requirements that year totaled \$228 million. Yet, the FY 2012 Budget requests only \$195.5 million, resulting in a required cut in tribally-operated BIA programs of \$33 million next year.

It is not acceptable for the Administration to seek deficit reduction by singling out tribally-administered health and law enforcement programs for such grave cuts in essential governmental services. Indeed, Congress 23 years ago directed that the agencies “must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services,” S. Rep. No. 100-274, at 9 (1987), yet the practice continues.

Funding contract support costs in full will permit the restoration of Indian country jobs that have been cut while the shortfalls continue. The recent FY 2010 reduction in the contract support cost shortfall produced a stunning increase in Indian country jobs. Last year the Forest County Potawatomi Community received about \$400,000 and added 13 positions. Fellow tribal leaders were also able to utilize the funds to create jobs or to restore vital positions.³

² Contract Support Costs are the necessary costs of operating a federal program under contract. When the BIA and IHS operate these programs, the agencies have the benefit of their own bureaucracies and other agencies to support the programs with personnel and financial management systems, legal resources, procurement systems and the like, both from within their two Departments and from other departments like the General Services Administration and the Office of Personnel Management. Tribal contractors require similar resources to carry out contracted programs, as well as to meet mandatory federal requirements (including annual audits), and they cover those resources with contract support costs. Most fixed contract support costs are set by government-issued indirect cost rates, with the rates issued based upon certified independent audits, and then adjusted based upon post-year audits.

³ Likewise, last year the Cherokee Nation received close to \$8 million of its shortfall and restored 124 positions to its healthcare systems; the Little River Band of Ottawa Indians received about \$300,000 and added six

The Forest County Potawatomi Community urges that for FY 2012: (1) the IHS contract support cost line be increased to \$615 million; and (2) the BIA contract support cost line be increased to \$228 million.

The status quo is not acceptable. First, absent these increases the combined projected contract support cost shortfall in FY 2012 for both agencies will exceed \$186 million. That means a \$186 million cut in tribal health, education, law enforcement and other contracted programs, representing over 3,600 jobs.

Second, the *status quo* penalizes Tribes for their self-determination contracting activities. Today, a \$1 million IHS-operated clinic has \$1 million to provide services. But a \$1 million tribally-operated clinic on average has only \$800,000 to serve the same community. That is a cruel and unfair burden to impose on the very Tribes that seek greater tribal self-determination.

Third, the continuing shortfalls have all but brought to a halt forward progress under the ISDA. For years, new contracting activities have slowed to a trickle, and each agency is stuck at no more than 60% of its budget operated by Tribes. Congress's Policy of Tribal Self-Determination will not move forward until the CSC shortfalls are addressed.

Fourth, investing funds here is wise. No part of the IHS or BIA budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work.

Fifth, fully paying CSCs is legally required. The United States Supreme Court so held in the 2005 Cherokee Nation case. It is not a matter of writing a better law, but of honoring the law that Congress has already written.

Finally, it is a stain on America when the Nation honors to the penny all other government contracts, even when honoring those contracts demands supplemental appropriations, but does not live up to those legal responsibilities when it comes to contracts with Indian Tribes. The Forest County Potawatomi Community and all tribes have wrongfully been in the untenable position of performing contractual obligations despite the shortfall. As much as law, policy, fairness and good sense, the Nation's honor demands that these contracts be paid in full for services duly rendered to the United States.

In addition to these recommended funding levels, it is recommended that the Committee require both agencies to consistently project and budget the additional CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS program dollar, and 10.4 cents for each new BIA program dollar). The IHS did this in its FY

clinical positions; the Riverside-San Bernardino County Indian Health consortium received \$2 million and restored 23 positions; and the Southcentral Foundation of Alaska received nearly \$9 million and restored 97 positions. Third-party revenues generated from these new positions will eventually more than double the number of restored positions, and thereby double the amount of health care that tribal organizations will provide in their communities. Similar increases occurred across many of the BIA contractors and compactors in FY 2010, though at far smaller numbers given the BIA's smaller CSC increase that year.

2012 budget, but the BIA did not. Further, the Committee should reconcile the different language used in the IHS and BIA portions of the bill, eliminate the old section 314" language (a useless vestige after the Cherokee case), and assure that each agency has an ISD Fund inside the overall CSC appropriation to address new contracting initiatives.

Thank you for the opportunity to offer these recommendations.

A handwritten signature in black ink that reads "Harold G Frank". The signature is written in a cursive, slightly slanted style.

Harold Gus Frank
Chairman

Copy: Executive Council
Jeff Crawford, Attorney General

Mr. Chairman and Members of the Subcommittee:

As a board member of Friends of Alaska National Wildlife Refuges and a long time Volunteer for the Alaska refuges, I urge you to consider the statements below regarding funding for the National Wildlife Refuge System. I understand that fiscal constraints are needed in these difficult economic times and appreciate the difficult decisions you must make. However, it should be a priority to adequately fund the National Wildlife Refuges and protect our heritage and our legacy to our children.

1. Maintain status quo funding for the National Wildlife Refuge System.
Request that Congress maintain management capabilities for the Refuge System, an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; a funding allocation of \$511 million in FY 12 will simply maintain the status quo.

2. Leverage Federal Conservation Efforts through Partnerships.
- State Wildlife Grants (SWG)
FWS works with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.
- The North American Wetlands Conservation Act (NAWCA).
NAWCA grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

3. Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million.
Created in 1965 and authorized at \$900 million per year (more than \$3 billion today), the LWCF is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. Urge Congress to pass legislation to permanently fund the LWCF.

The National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge volunteers. I extend my appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and thank you for giving this letter your consideration.

Sincerely,

Elizabeth A Siegel
PO Box 357
Homer, AK 99603

Elizabeth (Betty) Siegel
Volunteer Coordinator
Friends of Alaska National Wildlife Refuges
betty.siegel@alaska.net
907 235-1598

Written Testimony for the Congress of the United States,
Senate, Committee on Appropriations Washington, D.C.

April 1, 2011

TO: Subcommittee on Interior, Environment and Related Agencies

RE: U.S. Fish and Wildlife Service
Back Bay National Wildlife Refuge
Appropriations Request for FY 2012 \$1.0 million

Witness: Molly P. Brown, President, Friends of Back Bay
2232 Sandpiper Road
Virginia Beach, Virginia 23456
(757) 721-5011
mpbfobb@cox.net

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of over 150 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4589-acre refuge and breeding ground for migratory birds. We thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6340 acres of important wildlife habitat. To date the Fish and Wildlife Service has been able to acquire 4996 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request \$1.0 million for FY '12. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge. This continuing project was first funded by Congress in 1990. With only a few remaining parcels to purchase, we hope Congress will want to see this Back Bay project completed. Our project is not in the President's budget and we know there are no ear marks. So, how do we complete this project and what do we tell the willing sellers that have been waiting for years to sell their properties?

The enclosed map gives a visual description of the Acquisitions through 2010 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

FY 2010:

1. Rice: Tract 249 - \$425K – 8 Acres – Closing this Fiscal Year (2010) with LWCF funds appropriated. This project uses most of the appropriated funds with the remainder (\$120K) to be "banked" in combination with future funds to complete acquisitions, as listed below.
Project Description - valuable riparian/wetland habitat on the southern bank of Nanney's

Creek. This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

FY 2012:

2. Brown: Tract 193 - \$216K – 18 Acres. **Project Description** - Mostly forested wetlands on the west side of Back Bay with existing valuable habitat for migratory birds, especially neotropical migrants. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (North, East, and South). Option to purchase in effect.
3. Johnson: Tract 173 - \$402K – 30 Acres. **Project Description** – Emergent marsh habitat adjacent to Ashville Bridge Creek with existing valuable habitat for migratory birds, especially waterbirds. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (North, East, and West). Option to purchase in effect.
4. Van Nostrand: Tract 250 - \$200K – 15 Acres. **Project Description** - This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. Option to purchase in effect.
5. Griffith: Tract 100c, d and e - \$250K – 105 Acres. **Project Description** - Emergent marsh habitat on the east side of Back Bay. This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl. Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities by individuals who own lots/houses adjacent to this property. The Refuge is currently partnering with The Conservation Fund to appraise and acquire this parcel.

Good things continue to happen at Back Bay! The Back Bay National Wildlife Refuge and its namesake, the Back Bay, harbor a rich array of aquatic life and vibrant bird populations that draw anglers and birders year round. The shallow brackish bay, averaging just four feet, is ruled by the wind making it a globally rare ecosystem. The bay is also designated an Aquatic Resource of National Importance by federal agencies, but that doesn't automatically protect it from harm. The Refuge staff and volunteers continue to educate the public on the importance of protecting this beautiful resource. The educational project to enhance the wildlife viewing opportunities to the public is the "Windows on Wildlife." This one-way glass allows the public to watch migratory birds without being seen by and thus disturbing the waterfowl. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black ducks, snow geese, mallards and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a near by tree. This "national treasure" received 150,000 visitors in 2010.

The water clarity is better and vital underwater grasses are growing again. Large numbers of ducks are coming back. The local hunters had a very successful season. They met their quotas early in the

season. One hunter left a duck on the ice too long and an eagle swooped down and grabbed it. The hunter had fun telling this story to his friends. He said it was a "pretty one."

I wish to extend my appreciation for the funding that you appropriated through FY '09. The \$545,000 that was appropriated in FY'09 has purchased 8 acres of a key parcel along Nanney's Creek. To date we have purchased 4996-acres of the proposed 6340-acre expansion. This means that this project is over 78% completed in eighteen years. Thank you for the opportunity to comment on this important project.

Respectfully submitted,

Molly P. Brown

Molly P. Brown
President

With Respect to Fiscal Year 2012 Appropriations

**Statement of
Dub Lyon
President of Friends of Balcones Canyonlands National Wildlife Refuge
April 1, 2011**

Mr. Chairman and Honorable Members of the Subcommittee, my name is Dub Lyon, President of Friends of Balcones Canyonlands National Wildlife Refuge, and on behalf of the Friends organization I would like to express my appreciation for this opportunity to submit our testimony. The Friends of Balcones urges you to complete the land acquisition for Balcones Canyonlands National Wildlife Refuge in Central Texas. As a first step toward that goal, we are requesting \$5 million from the Land and Water Conservation Fund for 2012. Completing the Refuge is anticipated to cost approximately \$87 million in today's dollars, so acting now is especially important for monetary reasons and because of the intense pressure from urban expansion that is occurring within the Refuge acquisition boundary.

Given the devastating impacts to wildlife from the Deep Water Horizon oil spill, it seems very timely for Congress to pass legislation to permanently fund the Land and Water Conservation Fund (LWCF) at \$900 million. Created in 1965 with monies from off-shore oil drilling receipts and authorized at \$900 million per year, the LWCF is our most important land acquisition tool. More than eight million acres are unprotected within existing refuge boundaries including approximately 22,000 acres within the Balcones Canyonlands Refuge acquisition boundary. This makes funding the LWCF more important than ever. The Friends of Balcones urges you to fully fund the Land and Water Conservation Fund and to appropriate \$5 million of the \$900 million for land acquisition at Balcones Canyonlands National Wildlife Refuge.

Balcones Canyonlands Refuge, although nineteen years old, is only slightly over 50 percent complete. It is important to act now as time is a critical consideration in completing the Refuge. Because of the proximity of the Refuge to the Austin metropolitan area, urban expansion is a serious threat to habitat needed by the Refuge. There are already four real estate developments within the acquisition boundary of the Refuge and more are expected.

An appropriation of \$5 million will allow the U.S. Fish and Wildlife Service to acquire approximately 1,550 acres of prime habitat for Balcones Canyonlands Refuge. Two of the three tracts to be purchased are key Golden-cheeked Warbler habitat and the third is potential Black-capped Vireo habitat. Both of these birds are on the endangered species list, and habitat protection and management are critical to their survival. In addition, protection of the third tract will help preserve the ranching heritage of the Texas Hill Country. The \$5 million appropriation will fund purchase of the 350 acre 3 Creeks Ranch (second phase of this acquisition), the 201 acre Gordy property, and 1,000 acres of the Sunset Ranch, one of the last remaining large tracts of land with high quality Golden-cheeked Warbler habitat left within the Refuge acquisition boundary. The

rolling hills and steep canyons on this ranch provide nesting habitat for the Golden-cheeked Warbler and potential for Black-capped Vireo habitat management. The purchase of this large tract will also protect habitat for additional endemic species in the Hill Country as well as the unusual Karst topography of the Edwards Plateau. The ranch is situated near other Refuge property which makes it even more valuable as we attempt to protect large contiguous tracts of land. The properties have been appraised, and the sellers are willing. These acquisitions would be a significant step towards the long range goal of completing the Refuge. As mentioned earlier, acting now is particularly important, as the window of time is closing rapidly as a result of urban expansion, and the opportunity for protecting these species is at risk.

Balcones Canyonlands Refuge is located in the Texas Hill Country northwest of Austin, Texas and resides in Burnet, Travis, and Williamson counties. The Refuge was formed in 1992 to conserve habitat of the endangered Golden-cheeked Warbler as a step towards recovery and eventual delisting of the species. In addition to the Golden-cheeked Warbler, the Refuge serves to protect the habitat of the endangered Black-capped Vireo and numerous other wildlife species.

State-sponsored biological studies show that to stabilize and sustain these endangered songbirds, Balcones Canyonlands needs a total of 46,000 acres of habitat. It presently has some 23,000 acres. The Refuge augments a similarly named Preserve in Austin, comprised of nearly 30,000 acres and operated by the City and Travis County. The two parts were established for the same purpose and together are intended to provide habitat needed to enable recovery of these species.

In addition to the recovery of these endangered species, Balcones Canyonlands Refuge is a source of eco-tourism for the surrounding area. Over the longer term, the Balcones Refuge is expected to become a major draw for birders interested in viewing the endangered Warbler and Vireo, for which this area provides unique habitat. The Refuge has been described as one of the *Last Great Places* by the Nature Conservancy and as an "Important Bird Area" by two national conservation groups based on its *"global importance"* to the endangered Warbler and Vireo.

Also, Balcones Canyonlands offers Central Texas a variety of recreational opportunities compatible with wildlife protection. Once completed, Balcones Canyonlands will be a step towards providing additional accessible public outdoor areas, identified as a critical need in a study by Texas Parks and Wildlife.

The Friends of Balcones Canyonlands National Wildlife Refuge is a nonprofit, volunteer organization. Our mission is to support, complete, and enhance Balcones Canyonlands Refuge and to promote the Refuge's use for recreational, educational, and scientific purposes. Our membership is drawn primarily from Central Texas communities situated near the Refuge. Our members care passionately about preserving our natural heritage and fulfilling our organization's mission of completing the Refuge. Because of all the reasons listed above, we strongly recommend that you set aside \$5 million from the Land and Water Conservation Fund for Balcones Canyonlands Refuge for FY 2012.

In closing, thank you for considering our request of \$5 million. Your actions in support of our request will significantly improve our chances for creating a fully functioning Refuge. We very much appreciate your attention to this matter and thank you for the opportunity to present this statement to the Subcommittee.

Respectfully submitted,

Dub Lyon
President
Friends of Balcones Canyonlands National Wildlife Refuge

Charles H. Trost, Ph.D., Vice President
 Friends of Camas National Wildlife Refuge
 225 N. Lincoln Ave.
 Pocatello, ID 83204
 March 28, 2011

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
 AND RELATED AGENCIES CONCERNING FISCAL YEAR 2012 APPROPRIATIONS. MARCH 28, 2011.

Mr. Chairman and Members of the Subcommittee:

As an officer in the newly formed Friends of Camas NWR I would like to request that funding for the refuge system should remain the same as FY 11, or increased, but not be cut back to FY 08 levels. We here in eastern Idaho are blessed with four National Wildlife Refuges, which we value highly. Camas NWR specifically is an oasis in a sea of sagebrush and agricultural lands, and provides critical resources for migrating land and water birds. Because of ground water pumping in adjacent farm lands the water table has dropped significantly, and in what formerly was an artesian system, water now has to be pumped at a considerable cost to maintain wetlands. Because of the changes in the water table much of the riparian vegetation, which is so valuable for birds migrating to the Neotropics has been stressed and is dying. Volunteers from BYU Idaho and the surrounding communities have spent many hours planting native shrubs and trees in an attempt to provide habitat and food for these declining birds. Also, the refuge needs adequate pools of water for nesting waterfowl, and especially for Trumpeter Swans. There are also problems with invasive plants on all our refuges. These need continuous (and expensive) control so that they do not spread to nearby agricultural lands. The Fish and Wildlife Service and the Refuges are beginning to develop strategies for dealing with Climate Change, and it is important that these plans continue to be developed.

As a Friends group we would like to try to leverage conservation efforts through partnerships, such as State Wildlife Grants. The FWS works with states to restore declining species and keep common species common. Also the North American Wetlands Conservation Act should be fully funded so that the objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan, and Partners in Flight can be met. Your allocation of funding will have multiple benefits, including habitat restoration, improved water quality, and even carbon sequestration. Finally we request that the Land and Water Conservation Fund be fully funded. This is a very important land acquisition tool for establishing wildlife corridors and connections between protected areas, such as the land between Camas NWR and the state owned Mud Lake Wildlife Management Area. We believe that only with strong and consistent funding, leveraged by the valuable work of refuge volunteers the conservation goals of the National wildlife Refuge System can be met. We thank the Subcommittee for its continued strong commitment to our National Wildlife Refuge System.

April 1, 2011

Barry Keefe
Legislative Chair
Board of the Friends of Cape May National Wildlife Refuge, Cape May, NJ
30 Ashcroft Avenue
Ocean View, NJ 08230
bkeefe30@comcast.net

**TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS**

Mr. Chairman and Members of the Subcommittee:

On behalf of the Board of the Friends of Cape May National Wildlife Refuge and its 200 members, I would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System. We are a volunteer group that advocates for the protection of wildlife, plants and their habitat in our community for the benefit of current and future generations. We are requesting the following in the 2012 federal budget: \$511 million for staffing and operations for the National Wildlife Refuge System; \$95 million for the State Wildlife Grants program; \$50 million to the North American Wetlands Conservation Act; and \$900 million to fully fund the Land and Water Conservation Fund.

The Friends of Cape May National Wildlife Refuge would also like to thank the members of this committee for your commitment to improving U.S. Fish and Wildlife Service's capability to conserve, protect and enhance fish, wildlife, and plants and their habitats for the benefit of current and future generations. This committee's past actions have provided the Service with the financial resources to increase the Service's operational capability, of the 150 million acres the American people entrust to them, from below 50 percent to its current level of 55 percent.

While we realize the increases we have seen in Refuge System funding over the last few years are not feasible during this time of budget constraints, we respectfully ask that you approve the following requests that will help the Service maintain its current level of operational capacity.

- **Allocate \$511 million in FY 2012 for the National Wildlife Refuge System.** This is an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; a funding allocation of \$511 million in FY 12 will simply maintain the status quo.

Maintaining current staffing and operational capability is essential for the Cape May

National Wildlife Refuge. Cape May NWR currently provides minimal staffing outreach to Supawna Meadows National Wildlife Refuge, which lost its permanent staff because of previous funding reductions. Both Refuges cannot tolerate further staff reductions, which will further erode their ability to provide visitors with safe trails and education or recreation programs.

Retain the System's ability to leverage federal conservation efforts through partnerships. Two grant programs that need support are:

State Wildlife Grants that allow the Service to work with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.

The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

- **Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million.** Created in 1965 and authorized at \$900 million per year (*more than \$3 billion today*), the LWCF is our most important land acquisition tool. These funds are generated through revenues from offshore oil and gas drilling that is deposited in the Treasury specifically for LWCF purposes. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. The Land and Water Conservation Fund Coalition reports that every dollar invested in LWCF returns \$4 in economic value. We urge Congress to pass legislation to permanently fund the LWCF. The Cape May NWR has two large tracts of environmentally sensitive land within its acquisition boundary, each over 500 acres and threatened by development, which probably can be acquired with LWCF funds in the 2012 funding cycle: the loss of these lands to developers would be devastating to our mission.

We respectfully ask the Subcommittee to approve these appropriations. The Friends of Cape May NWR believe that maintaining the Cape May NWR and Supawna Meadows NWR and the National Wildlife Refuge System are vital to the wellbeing of our Nation. How diminished our lives would be without the sounds of wildlife and the opportunity to view them in their habitat. Additionally, the National Wildlife Refuge System conserves natural ecosystems that provide support to local economies by cleaning water, regulating climate, reducing flood risk, and pollinating crops. The Refuge System upholds the American value of public lands and as Hugh Hammond Bennett, the first NRCS Chief, stated, "If we take care of the land, it will take care of us."

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations & Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized lever of \$900 million annually.

We thank you for considering our request..

Sincerely,

Barry Keefe,
Legislative Chair, Friends of Cape May National Wildlife Refuge

Friends
of
Laguna
Atascosa

National Wildlife Refuge

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*The Friends is a
non-profit organization
whose mission it is
to protect, support
and enhance the
Laguna Atascosa
National Wildlife Refuge*

22817 Ocelot Road
Los Fresnos, TX 78566

**TESTIMONY
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS**

March 27, 2011

Dear Chairman and Members of the Subcommittee:

My name is Cate Ball and I am the President of the Friends of the Laguna Atascosa National Wildlife Refuge, a non-profit organization located in deep South Texas and whose mission is to support and enhance the Laguna Atascosa National Wildlife Refuge.

On behalf of our members, I am writing today to ask for your support on the following points:

- 1.) Fully funding of the National Wildlife Refuge System for FY 2012 at \$511 million dollars in order to maintain the status quo.
- 2.) Fully funding of the Land & Water Conservation Fund for FY 2012 at \$900 million -- of which the U.S. Fish and Wildlife is slated to get \$140 million.
- 3.) Leverage federal conservation efforts through partnerships by:
 - A minimal increase for the State Wildlife Grants program to \$95 million for FY12. Texas is a state that is 90% privately owned. This makes federal-state partnerships especially important in our effort to protect wildlife.
 - A Congressional allocation of \$50 million in FY12 for NAWCA grants will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration. These grants enable the acquisition and restoration of critical wetlands.

This national network of lands and waters is uniquely American and an important legacy that must be protected and enhanced for future generations. National Wildlife Refuges provide important economic assistance to rural communities who benefit greatly from the wildlife watchers, hunters and photographers who come out to enjoy these wild places and spend their money in our restaurants and hotels. They also provide excellent educational opportunities for schools, Girl/Boy Scout Troops and other organizations with an educational interest. Coastal refuges provide important buffers for seaside communities who find themselves in the path of hurricanes and storm surges. And coastal refuges are the nurseries for the fishing industry that draws anglers from around the world.

National Wildlife Refuges are important to the American people. Please do your best to ensure the full protection, restoration and management of our natural resources and lend your support to these important programs.

Thank you for your service.

Sincerely,

Cate Ball
President
Friends of Laguna Atascosa National Wildlife Refuge

www.friendsofsouthtexasrefuges.org

**Testimony of Bill Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for the National Wildlife Refuge System
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 31, 2011

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of the Friends of RCNWR in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 20 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the System. I thank you all for your consideration.

*** 1. We are requesting an overall funding level of \$511 Million in FY 2012 for the operations and maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. This is an \$8 M increase over FY10. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized.

*** 2. Retain the System's ability to leverage federal conservation efforts through partnerships. Two grant programs that need support are:

State Wildlife Grants that allow the Service to work with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.

The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

**** 3. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, LWCF needs to be fully funded at the \$900 Million level, as authorized by Congress in 1965. The LWCF is our most important acquisition tool. The President has included meaningful increases to the program in his FY 2012 budget, and I support the Administration's commitment to fully funding the program in the near future. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

The Land and Water Conservation Fund should be fully funded at \$900 million annually - the congressionally authorized level. LWCF is good for the economy, it is good for America's communities and their recreational access and it is critical for our public lands.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best seller *The Sea Around Us*. This landmark study, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

I again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations & Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized lever of \$900 million annually.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat. A Happy Spring and Earth Day to you.

Bill Durkin
President
Friends of Rachel Carson National Wildlife Refuge
PO Box 117
Biddeford Pool ME 04006



Leigh Ann Vradenburg, Executive Director
 The Friends of the Bosque del Apache National Wildlife Refuge
 P.O. Box 340
 San Antonio, New Mexico 87832

**WRITTEN TESTIMONY
 TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
 ENVIRONMENT, AND RELATED AGENCIES
 CONCERNING FY 2012 APPROPRIATIONS
 April 1, 2011**

Mr. Chairman and Members of the Subcommittee:

The Friends of the Bosque del Apache National Wildlife Refuge would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System (NWRS). We appreciate your strong support for the NWRS including the meaningful funding increases from FY 2008 – FY 2010 that allowed the System to emerge from years of declining budgets following the 2003 Refuge Centennial. Unfortunately, the President's budget request for FY 2012, flat funding from FY 2010, represents a \$23 million cut when factoring in the amount the Refuge System needs annually to sustain its management responsibilities. As the Executive Director of the Friends of the Bosque del Apache National Wildlife Refuge, I submit this testimony to offer comments on the fiscal year 2012 (FY 2012) Interior Appropriations Bill on behalf of our Board of Directors and our more than 1,100 members. Specifically, we request a funding level of **\$511 million for the U.S. Fish and Wildlife Service, National Wildlife Refuge System; \$95 million for State Wildlife Grants; \$50 million for North American Wetlands Conservation Act grants; and \$900 million for the Land and Water Conservation Fund.**

We realize the increases we have seen in Refuge System funding over the last few years are not feasible during this time of budget constraints. Our request for FY 2012 seeks to maintain status quo but is less than the amount truly needed. We estimate the refuges need *at least* \$526 million to maintain management capabilities from FY 2010; our request of \$511 million represents a sacrifice as we deal with our nation's fiscal crisis.

Some in Congress have recommended returning to FY 2008 funding levels; we must caution that this would have immediate and severe impacts to our National Wildlife Refuges. With the System already 44% underfunded, proposals to return the agency to FY 2008 levels would result in an estimated 20% cut to current funding and would have dramatic ramifications including:

- Elimination of hundreds of staff positions, significantly reducing the System's ability to maintain refuges for the purposes for which they were established, restore already degraded habitats, control invasive species, maintain roads, and respond to illegal activities;
- Decline in the quality and quantity of visitor services programs, forcing an estimated 54 visitor centers to close and prevent 11 more under construction from opening at all;

- Reduction of volunteer efforts; cuts to staff that oversee volunteers will result in a decline in the work volunteers are able to contribute;
- Reduction of hunting programs on an estimated 48 refuges and fishing programs on an estimated 45 refuges;
- A halt on progress of the System's inventory and monitoring program, likely reducing it to a skeletal operation. The need for this program was made clear by the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog Gulf Coast refuge assets in order to prove damages and recoup costs from responsible parties. The only refuges nationwide with a comprehensive inventory of species and water quality are those that were in the path of oil.

Bosque del Apache NWR in New Mexico already has lost 2 maintenance and 1 visitor services staff in the last 6 years to budget constraints. At this moment we are facing the reality that we may not have the fuel to run our tractors and heavy equipment to maintain the basic habitat needs for waterfowl – our primary purpose for creation. Refuge management is having to weigh the relative importance of maintaining the salary of one of our permanent biological staff versus purchasing the seed to maintain quality habitat. As a Land Management Research and Demonstration (LMRD) site for the U.S. Fish and Wildlife Service, Bosque del Apache has region-wide responsibility to other Federal, State, and local agencies as well as educational institutions to share knowledge about habitat management, invasive species removal, and climate change; however, our current budget restricts LMRD biologist travel, putting the financial burden on the smaller entities and negating the purpose and effectiveness of the LMRD program.

In FY 2010 the **Friends of the Bosque contributed \$377,000** to programs and activities to help the Refuge meet their objectives, and **volunteer time accounted for another \$833,000** in manpower to maintain Refuge operations. These numbers not only demonstrate that we are doing everything within our means to support and promote this place that we love, but they also demonstrate how our 1,100+ members believe this refuge is critical to the future of our country, our wildlife, and our next generation.

Volunteer organizations such as the Friends provide laudable and needed supplements to the Refuge System, but should not be looked to as substitutes for the Refuge programmatic and operational support that is a proper Federal responsibility. Our commitment to the Bosque del Apache National Wildlife Refuge has allowed us to supplement the economic and educational opportunities for our region. However, we can scarcely maintain, much less grow, the Refuge's capabilities without an adequate Federal budget and mechanisms, such as the State Wildlife and NAWCA grants, for leveraging Friends' support. The Bosque del Apache NWR has often been described as the "Jewel of New Mexico." Yet that description applies not only to the amazing natural resource that is the Bosque, but also to the Refuge's role as an economic engine. The economic impact of the Bosque del Apache NWR in New Mexico is significant, as recreational visits to the Refuge generate over \$4.3 million in tax revenue for the region. For every \$1 of the Refuge budget, there is a local economic effect of nearly \$8. The Refuge's role in our community, in our economy, and in the broader mission of restoring and preserving our natural heritage is why we must do what we can to help it thrive. As our cities grow and water demands increase, future generations will need the Bosque del Apache NWR and the lessons it is teaching us to help us appreciate the delicate ecological balance that exists in the Southwest and beyond.

We can never underestimate the importance of National Wildlife Refuges to our children's futures, to the environment, and to our economies.

We encourage you to help us make a difference by funding the National Wildlife Refuge System at \$511 million in FY 2012, and by ensuring that State Wildlife and North American Wetlands Conservation Act grant programs are funded.

Thank you for your time and consideration, and please contact me if you have any further questions.

Sincerely,
Leigh Ann Vradenburg (via email)
Executive Director, Friends of the Bosque del Apache NWR
P.O. Box 340
San Antonio, NM 87832
friends@sdc.org
575-838-2120

Anneolace «GreetingLine», President
 Friends of the Chassahowitzka National Wildlife
 Refuge Complex, Inc.
 1502 SE Kings Bay Drive
 Crystal River, FL 34429

**TESTIMONY
 BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
 SUBCOMMITTEE ON INTERIOR,
 ENVIRONMENT, AND RELATED AGENCIES
 CONCERNING FISCAL YEAR 2012 APPROPRIATIONS
 April 1, 2011**

Mr. Chairman and Members of the Subcommittee:

On behalf of Friends of the Chassahowitzka National Wildlife Refuge Complex, Inc. ("Friends") and its members, I want to thank you for your leadership and strong support of the National Wildlife Refuge System (NWRS) and the increase in funding over the past few years for the Refuge System. I offer this testimony not only on behalf of our Friends' group but also for the more than 191 Affiliate Friends groups nationwide, and thousands of private citizens across the country that support our nation's wildlife refuges.

I further thank you for the opportunity to offer comments on the fiscal year 2012 (FY12) Interior Appropriations bill. Specifically, we respectfully request that the Subcommittee support the following:

- **Maintain status quo funding for the National Wildlife Refuge System.** Request that Congress maintain management capabilities for the Refuge System, an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; *a funding allocation of \$511 million in FY12 will simply maintain the status quo.*
- **Leverage Federal Conservation Efforts through Partnerships.** The Refuge System works with states to keep common species common and restore declining species before they become endangered. *A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential* to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.
- **Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million.** Created in 1965 and authorized at \$900 million per year (more than \$3 billion today), the LWCF is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. *Urge Congress to pass legislation to permanently fund the LWCF.*

- **Allocate \$50 million to The North American Wetlands Conservation Act (NAWCA).**
NAWCA grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. *A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.*

The Friends, a 501(c) 3 organization, were established in September 1998, and is supported by dedicated volunteers with a membership base of 250 individuals. Our membership is diverse, including sportsmen, educators, business leaders, conservationists, and concerned citizens all across the state of Florida as well as the world.

Contributing thousands of hours of support each year, we help remove invasive plants, provide general maintenance of equipment and buildings on the refuges, and organize cleanups to ensure wildlife is safe from debris like monofilament line and plastic bags. We work closely with our Refuge manager to help meet objectives as outlined in each refuge's Comprehensive Conservation Plan.

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the Refuge System needs \$900 million annually to protect and care for the more than 550 wildlife refuges and monuments and thousands of prairie wetlands totaling approximately 150 million acres. These lands and waters provide essential habitat for migratory birds and other wildlife, safe havens for endangered species, and \$1.7 billion annually to local economies in compatible recreational opportunities for more than 41 million visitors each year. Our request for \$511 million in O&M for FY12 will maintain status quo and prevent the Refuge System from being subjected to the dramatic 20% staff reductions of prior years. *We respectfully urge the Congress to incrementally increase funding to restore the Refuge System by carefully considering our request for \$511 million in the FY12 budget.*

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal, and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. The Friends encourages the Subcommittee to allocate the full \$900 million funding to assess and purchase high-priority lands and conservation easements through the LWCF. The Refuge System is mandated to be strategically grown, but years of inadequate funding for land acquisition has resulted in the loss of many important habitats. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas. The Obama Administration has made full funding for LWCF by FY14 a top priority and we request Congress to make this a priority also. We urge the Subcommittee to

allocate the full \$900 million funding in FY12 to allow the NWRS to acquire lands and easements while they are available and affordable.

Our refuge has benefited from the funding of both the LWCF and NAWCA. We received \$1.5 million in FY09 and another \$1.5 million FY10 from LWCF and \$75 thousand from the NAWCA grant allowing us to purchase the Three Sisters Springs property in Crystal River, Florida. The property consists of 57 acres of critical habitat for the endangered West Indian Manatee – one of the most charismatic species our country has. We invite the Subcommittee and staff to come for a visit and see first hand the value of funding both the LWCF and NAWCA and how those funds are being used. See too the challenges we face to raise funds to support our plans to educate the public about manatees. In the meantime, please visit www.friendsofchazz.org to learn more about our wonderful refuges.

In conclusion, the Friends of the Chassahowitzka National Wildlife Refuges believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and encourage you to approve \$511 million for the FY12 NWRS O&M budget managed by FWS and to approve \$900 millions for FY12 for the LWCF land acquisition budget as well as funding the Department of the Interior's Challenge-Cost Share Program.

**Testimony of
Margaret Park, President
Friends of the Desert Mountains
In Support of the Land and Water Conservation Fund
San Bernardino National Forest, California
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Forest Service included \$1.5 million for the acquisition of land in San Bernardino National Forest in California in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

The Friends of the Desert Mountains is a nonprofit conservation organization based in the Coachella Valley area of southern California. Our mission is to protect important resource lands in this area and to provide support for the Santa Rosa and San Jacinto Mountains National Monument, established by Congress through a bi-partisan effort in 2000, the House legislation authored by Congresswoman Mary Bono Mack and the Senate legislation by Senator Dianne Feinstein. The Friends has acquired or facilitated the acquisition of over 40,000 acres over the last 20 years. We train and provide volunteers for the National Monument Visitor Center, sponsor the annual Wildflower Festival, provided guided hikes in the Monument, and support it in many other ways. While Fleming Ranch is just outside the National Monument boundary, it is part of the same ecosystem and part of the same national forest, a portion of which is in

the National Monument. Thus, we strongly support its permanent conservation through acquisition by the U.S. Forest Service.

The national forests in Southern California protect a vast treasure of biological diversity as well as critically important water resources. From the coastline of the Pacific Ocean to the inland desert, the forested mountains provide wildlife habitat, water quality protection, and abundant recreational opportunities for burgeoning population.

The San Bernardino National Forest encompasses the wild lands of the San Bernardino and San Jacinto mountain ranges in Riverside and San Bernardino counties. With the discovery of gold in the area in the mid-19th century, the lands began to suffer from the effects of mining as well as timbering and overgrazing. The growing population of Southern California relied on water sources that were being steadily degraded by these activities. The need to protect the watersheds and preserve the unique natural qualities of this ecosystem became apparent, and the San Bernardino National Forest was established in 1891 to meet this challenge.

Maintaining healthy watersheds continues to be a high priority of forest management, and part of that protection strategy includes land acquisition. This year, a key inholding of the San Bernardino NF—Fleming Ranch—is available for purchase by the Forest Service. This 1288-acre property is located within and adjacent to the San Jacinto Wilderness in Riverside County. The ranch is visible from a five-mile stretch of the Pacific Crest Trail (PCT), which lies just a quarter-mile away. The ranch contains the largest unprotected portion of the upper watershed of Herkey Creek, which flows into Lake Hemet and is a tributary of the south fork of the San Jacinto River. Lake Hemet is a reservoir providing water to areas of Riverside County and also provides recreational opportunities such as fishing, boating, hiking, and camping.

The landscape of Fleming Ranch includes montane meadows, grasslands, and mixed riparian, conifer, and oak forests. The property provides habitat for unique plant species such as the lemon lily (a state species of special concern), Johnson's rock cress, and California penstemon, and for animals like the California spotted owl, which nests on the ranch. These species and others will benefit from the protection of Fleming Ranch as the impacts of climate change become increasingly apparent. The wetlands and riparian habitats on Fleming Ranch have natural resilience to climate change impacts due to the tract's hydrology, and can offer habitat refugia. These habitats are rare in the San Jacinto Mountains and will be important to maintain healthy populations of amphibians, insect-eating birds, reptiles, rodents, and raptors in a changed climate. Properly managed, the watershed forests on the tract will also support climate adaptation by regulating water flows to protecting downstream areas and sustaining aquatic habitats even as climate change drives greater extremes in precipitation.

The lands of the San Bernardino National Forest provide year-round outdoor recreation for the heavily populated areas of Southern California, and improving public access to the area of the forest where Fleming Ranch is located has long been a priority of the San Jacinto Ranger District. The proximity of the ranch to the PCT, wilderness areas,

and the Santa Rosa and San Jacinto Mountains National Monument will open up new recreational access for outdoor enthusiasts.

Increased management efficiencies that accrue from inholding acquisition will reduce costs and improve management for activities such as wetlands restoration and fuel reduction. Improved forest health, water quality protection, habitat protection, and better public access will follow from federal acquisition of Fleming Ranch. The President's FY 2012 Forest Service land acquisition budget includes \$1.5 million to begin the acquisition of this stunning property.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

Sincerely,

Margaret Park, President
Friends of the Desert Mountains

Bruce Lund
 Volunteer, Desert National Wildlife Refuge Complex
 Secretary, Friends of the Desert National Wildlife Refuge Complex
 PO Box 697
 Moapa, NV 89025

March 31, 2011

**TESTIMONY
 FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
 ENVIRONMENT AND RELATED AGENCIES
 CONCERNING FISCAL YEAR 2012 APPROPRIATIONS**

Mr. Chairman and Members of the Subcommittee:

As a volunteer for the four refuges of Desert National Wildlife Refuge Complex (Moapa Valley, Pahrangat, Ash Meadows and Desert National Wildlife Refuges) and the Secretary of the young and volunteer Friends group for the Complex (just a year old) which has more than 75 members already, I offer testimony in support of the National Wildlife Refuge System.

I recognize this is a time of budget constraints and intense pressure by many to cut operating funds for the National Wildlife Refuge system, but ask that you at maintain approve the current funding of \$511 million in FY2010 to help the Service maintain its current level of operational capacity.

Even this rate is far below the actual funding required to maintain our National Wildlife Refuge system which is, I believe, one of the great achievements of our United States of America. It is a tangible example of the fulfillment of our moral and ethical obligations as a society to provide protection and stewardship to our nation's wildlife and natural ecosystems. AND our Refuges provide the public with recreational, educational, and inspirational opportunities every day. These are, it seems to me, worth \$511 million which I suspect is probably less than the cost of a single military jet.

It may not mean much in the grand scheme of national budgets, but I can at least say that I'm 'putting my money where my mouth is' by doing what I can as a volunteer help my regional refuges carry out their conservation, stewardship, and public access roles operate as well as we can. Leading guided public walks, creating interpretative exhibits, conducting wildlife surveys and monitoring, and developing and leading science projects for public schools are among the functions I'm doing now and will continue.

Corollary to maintaining the support level for the National Wildlife Refuge system, I urge the Committee to fully fund the Land and Water Conservation Fund (LWCF) at \$900 million. This Fund was created in 1965 and authorized at \$900 million per year (*more than \$3 billion today*), the LWCF is our most important land acquisition tool. These funds are generated through revenues from offshore oil and gas drilling that is deposited in the Treasury specifically for LWCF purposes. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. The Land and Water Conservation Fund Coalition reports that every dollar invested in LWCF returns \$4 in economic value. I urge Congress to pass legislation to permanently fund the LWCF.

Sincerely,

Bruce Lund

April 1, 2011

Linda Johnston
President
Friends of the Potomac River Refuges
14344 Jefferson Davis Highway
Woodbridge, VA 22191

**TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS**

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of the Potomac River Refuges and its 125 members I would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System. We are a volunteer group that promotes conservation, awareness, and appreciation of the wildlife and habitats of the Potomac River National Wildlife Refuge Complex and provide assistance to Refuge programs. This complex in Northern Virginia is comprised of three refuges: Elizabeth Hartwell Mason Neck, Occoquan Bay, and Featherstone.

The Friends of the Potomac River Refuges would also like to thank the members of this committee for your commitment to improving U.S. Fish and Wildlife Service's (Service) capability to conserve, protect and enhance fish, wildlife, and plants and their habitats for the benefit of current and future generations. This committee's past actions have provided the Service with the financial resources to increase the Service's operational capability, of the 150 million acres the American people entrust to them, from below 50 percent to its current level of 55 percent.

We realize the increases we have seen in Refuge System funding over the last few years are not feasible during this time of budget constraints, we respectfully ask that you approve the following requests that will help the Service maintain its current level of operational capacity.

- Allocate \$511 million in FY 2012 for the National Wildlife Refuge System. This is an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; a funding allocation of \$511 million in FY 12 will simply maintain the status quo.

Right now maintaining status quo is paramount to the Potomac River National Wildlife Refuges. In 2006, approximately 30 percent of its staff was lost to funding reductions and these permanent positions and the programs they supported have not been replaced. Further funding reductions and increases in fuel and utility expenses would seriously impede the Service's ability to provide visitors with safe

trails and any education or recreation programs. Lack of staffing will allow invasive species to further degrade habitat, threaten the largest blue heron rookery in the Mid-Atlantic, eliminate biological research, curtail citizen science programs, and reduce the diversity of species using the refuges. The diversity of the wildlife draws visitors and dollars to the local area and the economic benefits of these refuges will diminish.

- Retain the System's ability to leverage federal conservation efforts through partnerships. Two grant programs that need support are:

State Wildlife Grants that allow the Service to work with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.

The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

- Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million. Created in 1965 and authorized at \$900 million per year (*more than \$3 billion today*), the LWCF is our most important land acquisition tool. These funds are generated through revenues from offshore oil and gas drilling that is deposited in the Treasury specifically for LWCF purposes. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. The Trust for Public Land reports that every dollar invested in LWCF returns \$4 in economic value. We urge Congress to pass legislation to permanently fund the LWCF.

We respectfully ask the Subcommittee to approve these appropriations. The Friends of the Potomac River Refuges believe that maintaining the Potomac River National Wildlife Refuge Complex and the National Wildlife Refuge System are vital to the wellbeing of our Nation. How diminished our lives would be without the sounds of wildlife and the opportunity to view them in their habitat. Additionally, the National Wildlife Refuge System conserves natural ecosystems that provide support to local economies by cleaning water, regulating climate, reducing flood risk, and pollinating crops. The Refuge System upholds the American value of public lands and as Hugh Hammond Bennett, the first NRCS Chief, stated, "If we take care of the land, it will take care of us."

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations & Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized lever of \$900 million annually.

We hope you will support the Potomac River Refuges and others across the country by maintaining funding for the National Wildlife Refuge System. On behalf of the Friends of the Potomac River Refuges we thank you for considering our requests.

Sincerely,

Linda Johnston
President
Friends of the Potomac River Refuges
14344 Jefferson Davis Highway
Woodbridge, VA 22191

April 1, 2011

Nancy Menasco, President
Friends of Red River National Wildlife Refuge
P.O. Box 52506
Shreveport, LA 71135-2506

**TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS**

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of the Red River National Wildlife Refuge and its 150 members, we would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System. We respectfully request the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations & Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized level of \$900 million annually.

The Friends of Red River is a volunteer organization that supports the mission of the Red River National Wildlife Refuge through education, fund raising, development of partnerships, and development of onsite projects for volunteers.

The Red River National Wildlife Refuge includes four units totaling over 13,000 acres in Caddo, Bossier, DeSoto, Red River, and Natchitoches parishes in northwestern Louisiana. A \$3.5 million visitor and environmental education center is presently under construction at the Headquarters unit in Bossier City, Louisiana, and is scheduled to open in September of this year. A number of area teachers have already brought their classes to the refuge for field trips and we expect many more will schedule visits to take advantage of the enhanced educational opportunities available when the new visitor center opens. Without reliable funding for personnel, including educational and outdoor recreation staff, and for operational needs, there will be no way to serve these students and the thousands of visitors expected when the center opens. Our Friends group has volunteers willing to help but a level of funding and professional staffing is critical to our combined success in serving both wildlife and the community.

One of the current projects of the Friends group is the renovation of a 1930's farmhouse on the Bayou Pierre unit of the refuge in rural Red River Parish, Louisiana, for use as a visitor contact center and education and research center. We and our partners have contributed over 2,000 hours of volunteer time toward the renovation. Scheduled for completion in June 2011, the renovation has truly been a community effort; volunteers have included Friends members, friends of Friends, groups of employees from oil and gas companies with operations in the area, high school students, and even middle school students. One of the

first uses of the renovated farmhouse will be to house a Student Conservation Association intern, who will be spending several months working on the refuge in exchange for room and board and a small stipend. A youth nature photography workshop, a presentation about the Red River watershed combined with a canoeing trip on Bayou Pierre, and two field trips for birders are some of the events planned for this unit in the upcoming months.

Moist soil impoundments on the Bayou Pierre unit provide a resting place for wintering waterfowl, shorebirds, and waders and attract birders and nature photographers. A bottomland hardwood section along the Red River along with an old oxbow provide hunting and fishing opportunities. Although this unit is in a rural area, there are two sizeable towns within 15 minutes of the refuge unit. This close proximity makes it easy for school groups and townsfolk to visit. The Shreveport-Bossier City metropolitan area with an estimated population of almost 400,000 people is 30 minutes to the north. The unit is located along and near LA 1 and is only a 15-minute drive from I-49, so is easily accessible for tourists.

It is critical that funding for personnel, operations and maintenance for the benefit of the and wildlife and the people who use the Red River National Refuge and the other 552 National Wildlife Refuges be maintained at least at current levels.

While we realize the increases we have seen in Refuge System funding over the last few years are not feasible during this time of budget constraints, we respectfully ask that you approve the following requests that will help the Service maintain its current level of operational capacity.

- Allocate \$511 million in FY 2012 for the National Wildlife Refuge System. This is an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; a funding allocation of \$511 million in FY 12 will simply maintain the status quo.

Red River National Wildlife Refuge has just currently increased to a staff of two full-time employees to manage 13,000 acres spread out over the four units along a 120-mile stretch of the Red River. Additional staff is needed to adequately manage for migratory birds and enhanced visitor services and opportunities. The refuge currently actively manages over 2,500 acres of wetlands for waterfowl, wading birds, shorebirds and other wetland-dependent species. Funding reductions would seriously impact the refuge's ability to manage for a diversity of migratory bird species. Further funding reductions and increases in fuel and utility expenses would also seriously impede its ability to provide visitors with safe trails and any educational or recreational programs.

Lack of staffing and funding will allow invasive species to further degrade and invade habitats that the refuge has worked so hard in the past three years to restore to its natural state. It would also eliminate biological research, curtail citizen science programs and reduce the diversity of species using the refuges. The

diversity of the wildlife draws visitors and dollars to the local area and the economic benefits of the Red River National Wildlife Refuge would diminish in both the metropolitan area of the Headquarters Unit and in the rural areas of the other three units.

- Retain the System's ability to leverage federal conservation efforts through partnerships. Two grant programs that need support are:

State Wildlife Grants that allow the Service to work with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.

The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

- Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million. Created in 1965 and authorized at \$900 million per year (*more than \$3 billion today*), the LWCF is our most important land acquisition tool. These funds are generated through revenues from offshore oil and gas drilling that is deposited in the Treasury specifically for LWCF purposes. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. The Land and Water Conservation Fund Coalition reports that every dollar invested in LWCF returns \$4 in economic value. We urge Congress to pass legislation to permanently fund the LWCF.

The Friends of the Red River National Wildlife Refuge would like to thank the members of this committee for your commitment to improving U.S. Fish and Wildlife Service's capability to conserve, protect and enhance fish, wildlife, and plants and their habitats for the benefit of current and future generations. This committee's past actions have provided the Service with the financial resources to increase the Service's operational capability for the 150 million acres the American people entrust to them from below 50 percent to its current level of 55 percent.

We respectfully ask the Subcommittee to approve these appropriations. The Friends of the Red River National Wildlife Refuge believe that maintaining the Red River National Wildlife Refuge and the National Wildlife Refuge System are vital to the well being of our Nation. How diminished our lives would be without the sounds of wildlife and the opportunity to view them in their habitat. Additionally, the National Wildlife Refuge System conserves

natural ecosystems that provide support to local economies by cleaning water, regulating climate, reducing flood risk, and pollinating crops. The Refuge System upholds the American value of public lands and as Hugh Hammond Bennett, the first NRCS Chief, stated, "If we take care of the land, it will take care of us."

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations and Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized lever of \$900 million annually.

We hope you will support the Red River National Wildlife Refuge and others across the country by maintaining funding for the National Wildlife Refuge System. On behalf of the Friends of the Red River National Wildlife Refuge, we thank you for considering our requests.

Sincerely,
Nancy Menasco
President
Friends of the Red River National Wildlife Refuge
P.O. Box 52506
Shreveport, LA 71135-2506

Testimony of
Richard O. Shields, Jr., MD
President, Friends of the Savannah Coastal Wildlife Refuges, Inc.
PO Box 16841, Savannah, GA, 31416
Telephone: 912-604-1872
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In Support of the Land and Water Conservation Fund
Savannah National Wildlife Refuge, Georgia
U.S. Fish and Wildlife Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 27, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for this opportunity to present testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Fish and Wildlife Service included \$1.25 million for the acquisition of land adjacent to Savannah National Wildlife Refuge in Georgia in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

Lying on both the South Carolina and Georgia sides of the Savannah River, just upriver from the city of Savannah, is the picturesque Savannah National Wildlife Refuge. The refuge is over 29,000 acres of freshwater marshes, tidal rivers and creeks, and bottomland hardwood forests. Known for its flora during the humid summer months, the region supports a diverse wildlife population. The variety of birdlife within the refuge is enhanced by its location on the Atlantic Flyway. During the winter, thousands of ring-necked ducks, teals, pintails, and as many as ten other species of waterfowl migrate to the

area, joining the resident wood ducks within the refuge. In the spring and fall, transient songbirds stop briefly on their journey to and from northern nesting grounds. Additionally, the Savannah National Wildlife Refuge is home to the endangered wood stork, West Indian manatee, and shortnose sturgeon as well as the threatened American alligator.

Located within the boundaries of the Savannah National Wildlife Refuge and available for acquisition in FY 2012 are two properties in the vicinity of Abercorn Creek that were included within the refuge boundaries in 1998. At that time, the director of the U.S. Fish and Wildlife Service stated that the lands in the expansion area "offer an outstanding diversity of wetland and upland habitats for the benefit of wintering waterfowl, neotropical migratory birds, wading birds, white-tailed deer, wild turkey, and many other species of wildlife."

The Abercorn Creek project consists of two tracts under separate ownerships in Effingham County. These rich parcels, one comprising 620 acres and the other 388 acres, have remnant rice fields, wetlands, and upland forests and fields. The wetlands serve as the prime habitat for wildlife such as king rails, American alligators, and wood ducks. A host of migratory birds such as swallow-tailed kites and Swainson's and prothonotary warblers are found on the properties during spring and summer months.

Once acquired by the refuge, the properties will offer important recreational access for activities such as hiking, canoeing, hunting and fishing, and environmental education. An existing road on one of the tracts leads to the northern interior of the refuge, and this critical road access will no doubt bring additional visitors to enjoy the unique offerings of this currently more remote part of the refuge. Opening up this area to greater visitation should also produce economic benefits to the surrounding communities.

In recent years, the ongoing Savannah Port Project has created a great deal of real estate speculation adjacent to the refuge. The recession has slowed this process, but as the economy becomes more stable, an upward movement in property values will likely occur. The landowners are willing to make their lands available for conservation, but time is limited for the refuge to take advantage of these opportunities.

The FY 2012 President's Budget recommends \$1.25 million from the Land and Water Conservation Fund for land acquisition at Savannah National Wildlife Refuge. This allocation, in combination with \$1.375 million proposed in the FY 2011 budget, will allow the refuge to begin the acquisition of the Abercorn Creek properties and add critical acreage to the refuge that further enhances access, wildlife habitat and public recreation.

Friends of the Savannah Coastal Wildlife Refuges is a community-based organization whose mission is to support the United States Fish and Wildlife Service and to protect and advocate for the national wildlife refuges within our region. We strongly support acquisition of the properties within the Abercorn Creek project and respectfully request that this subcommittee approve the necessary funding.

Friends of the Tampa Bay National Wildlife Refuges, Inc.
Barbara Howard, President
PO Box 40782
St. Petersburg, FL 33743-0782

Testimony
Before the House Subcommittee on Interior, Environment, and Related Agencies
On Issues Relating to the Refuge System
Concerning Fiscal Year 2012 Appropriations
March 28, 2011

Mr. Chairman and Members of the Subcommittee,

On behalf of the 162 members of the Friends of the Tampa Bay National Wildlife Refuges including Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR, I would like to thank you for your commitment to the National Wildlife Refuge System (NWRS) through increased funding over the past few years. We realize that in this time of budget cuts, it may be difficult to justify increasing the NWRS funding, but once the Refuges start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. We respectfully request that you consider the following in your appropriations:

- **Increase the funding levels for the National Wildlife Refuge System by \$8 million over the FY10 funding levels bringing the funding to \$511 for FY12.**
- **Fully fund the Land and Water Conservation Fund (LWCF) at \$900 million.**
- **Fund the State Wildlife Grants program at \$95 million for FY12.**
- **Fund the North American Wetlands Conservation Act (NAWCA) grants at \$50 million for FY12.**

The NWRS needs a budget of at least \$900 million annually in operation and maintenance funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the Refuges. An \$8 million increase over FY10 levels for the FY12 appropriation will allow the refuges to maintain status quo without drastic cuts. This is a reduced amount from the \$15 million minimum increase each year that the Refuge System actually requires just for management capabilities. In this time of tight budgets, we feel that an \$8 million increase to \$511 would be appropriate and appreciated.

The Tampa Bay Refuges are located at the mouth of Tampa Bay on the west central Gulf coast of Florida. The budget increases in the past few years have meant increased management, protection, and restoration of the Refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. In 2008 the Tampa Bay Refuges (TBRs) had one staff person who was split duty manager/law enforcement. It was very difficult for that one person to have the time to adequately manage the resources much less have time to patrol. Because of the incremental increases to the Refuge budgets over the last few years, the TBRs have a full time manager, a full time LE every weekend during the summer nesting season, and STEP summer hire. Due to the current increase in budget and personnel the TBRs are able to do long range planning for big picture issues such as erosion and increased public use. With decreases in budget, these will fall by the wayside and the wildlife will have a degraded or useless habitat. Egmont Key NWR has the Ft Dade Guardhouse that has been restored and will make a great visitor center. Without funding, staff will not be sufficient oversee construction of the center displays or to keep the center open to the public. This will compromise outreach and education goals for the TBRs. Even now with the incremental increases the TBRs find themselves short of funds to keep up with invasive species and predators that threaten the wildlife that the refuge system is mandated to protect. With smaller budgets, there will also be less money for facilities maintenance which will then cost more to restore in the future. If the TBRs were to again lose ground on their budgets they would not be able to meet many of their CCP goals due to decreased staffing. Keeping the Refuge System budget status quo with the \$8 million increase to \$511 million will keep the TBRs from losing too much ground in FY12.

The Land and Water Conservation Fund was created in 1965 and authorized at \$900 million. These funds are used for land acquisition to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. The price of real estate is low at this time and the \$900 million can go much further in protecting habitats than it can in a higher market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. We urge you to pass legislation to permanently fund the LWCF at \$900 million per year as it was originally authorized.

Through partnerships including State Wildlife Grants (SWG) the USFWS is able to work together with the States to protect wildlife. This increases the amount of protection that can be afforded to wildlife. By increasing the State Wildlife Grants program to \$95 million, you are helping fulfill the responsibility to keep our wildlife from becoming endangered or extinct.

The North American Wetlands Conservation Acts grants will also help create space, clean water, food, and shelter for wildlife by acquiring and restoring critical wetlands. Funding of this program at \$50 million in FY12 will create additional habitat for wildlife. This partnership

through acquisition and restoration of critical wetlands also improves water quality and carbon sequestration.

The Friends of the Tampa Bay National Wildlife Refuges is one of 230 Friends groups who support the National Wildlife Refuges. As Friends groups, we provide assistance to the National Wildlife Refuges through volunteer labor and education. In FY10, there were over 40,000 Friends and Volunteers who provided services for the NWRS equal to 648 full time equivalents (FTE), saving taxpayers millions of dollars. The interest in our National Wildlife Refuge System is significant and we are proving it with our donated time and funds.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System. We encourage you to approve a \$511 million for the FY12 National Wildlife Refuge System Operations and Maintenance budget managed by FWS and to approve \$900 millions for FY11 for the LWCF land acquisition budget as well as funding the State Wildlife Grants program at \$95 million and the North American Wetlands Conservation Act grants at \$50 million.

Marian E. Frobe
Past President
Friends of Turnbull National Wildlife Refuge
P. O. Box 294
Cheney WA 99004

TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2012 APPROPRIATIONS
March 29, 2011

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge System, the Refuge Friends organizations and affiliates, concerned citizens, and the wildlife the Refuge System protects, we thank you for your past support. We request that Congress maintain Operations and Maintenance capabilities for the Refuge System at an \$8 million increase over FY10 levels. The System actually needs \$900 million annually to adequately manage its 150 million acres; a funding allocation of \$511 million in FY12 will simply maintain the status quo.

Fish and Wildlife Service works with the states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.

The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

Created in 1965 and authorized at \$900 million per year (more than \$3 billion today) the Land and Water Conservation Fund is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas, making this fund more important than ever. Please pass legislation to permanently fund the Land and Water Conservation Fund.

Our local refuge, Turnbull National Wildlife Refuge, is of great benefit to our community, providing recreation for the Eastern Washington community and visitors from outside the area. The Environmental Education Program at Turnbull is utilized by schools and other groups from Cheney, Spokane, and other Eastern Washington communities. Maintaining the Operations and Maintenance accounts, the State Wildlife Grants program, the North American Wetlands Conservation Act and the Land and Water Conservation Fund is critical to their operation. Without volunteers and the support of

the Friends group, they would not be able to continue much of their biological program and would have difficulty maintaining the Environmental Education Program. The Refuge has been involved in Climate Change issues, Invasive Species control and eradication, and has benefited from the Challenge Cost Share program, which they have used since its inception. These issues are all critical for the public and for the ongoing health of the Refuge.

In conclusion, the Friends of Turnbull National Wildlife Refuge believes the National Wildlife Refuge System can only meet its important conservation objectives with strong and consistent funding. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

**Testimony of Joe Kessler
On Behalf of the Friends of Virgin Islands National Park
In Support of the Land and Water Conservation Fund
Virgin Islands National Park, U.S. Virgin Islands
National Park Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the National Park Service included \$5 million for the acquisition of land in the Virgin Islands National Park in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this national treasure. We have more than 3,000 members – 20% of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 23 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation – but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland US and visitors alike – no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place for visitors. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated a Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles, the hawksbill and the green. In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. Its crystal waters and soft white beaches are rimmed by a lush forested slope rising 1,086 feet. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green and hawksbill turtles and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Slated for completion in 2011, if funds are available, is a 205-acre acquisition of land overlooking Maho Bay within the Virgin Islands National Park boundaries. The property offers spectacular views of the bay and extends the amount of publicly owned beachfront at Maho Bay. This property, known as Estate Maho Bay, is extremely important because it connects the southern and northern sections of the national park and will preserve significant natural and cultural resources. With increasing growth and investment throughout the Caribbean—including places not far from the unspoiled beauty of St. John—these vulnerable lands have become the focus of intense development threats.

Estate Maho Bay was originally part of a larger property under one ownership. A three-acre beachfront parcel was carved out of that original property and came under separate ownership. Now available for acquisition by the Virgin Islands National Park,

the Ortiz property lies adjacent to Estate Maho Bay and contains 422 linear feet of beachfront. The Park Service is already leasing this property for public recreational use for a nominal fee, with the understanding that the property will be purchased by the park. The Ortiz property can be acquired with an LWCF allocation of \$3.05 million in FY 2012.

The acquisitions at Maho Bay will ensure continued public access to the beach, protect ecologically and historically significant land from development, and connect two separate sections of Virgin Islands National Park. The President's Budget for FY 2012 allocates \$5 million for acquisitions at Virgin Islands NP and encompasses the acquisition of the Ortiz property for \$3.05 million as part of that larger ask.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in the U.S. Virgin Islands, and I appreciate your consideration of this funding request.

Testimony of Marie Springer
On behalf of Wallkill River and Shawangunk Grasslands National Wildlife Refuges
National Wildlife Refuges of the United States Fish and Wildlife Service
National Wildlife Refuge Law Enforcement

House Appropriations Committee
Subcommittee on the Interior, Environment and Related Agencies
The Honorable Mike Simpson, Chairman
The Honorable James Moran, Ranking
April 1, 2011

I appreciate the opportunity to express my strong support for the Land and Water Conservation Fund (LWCF) and urge the subcommittee to include ample funding for LWCF in the FY 2012 Interior Appropriations Bill. The President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. I would also encourage you to support \$549 million in funding for operations and maintenance on refuges, of that, I ask that Refuge Law Enforcement be funded at the level of at least \$76 million.

The LWCF is authorized by the Land and Water Conservation Act of 1965. This Act states: "not less than \$900 million for each fiscal year" from "Outer Continental Shell oil monies" will go to subsidize the acquisition of state and federal lands. Today the Bureau of Ocean Energy Management, Regulation and Enforcement report annual revenues averaging \$13.7 billion per year. I strongly encourage your support of fully funding this fund as dictated by the Congressional Act of 1965.

In the National Wildlife Refuge system much of this funding is used to purchase wetlands. Wetlands is a technical term for what most of us might commonly refer to as "swamps" and floodplains. These sites are the areas that water flows to when there is excess that does not flow down through the ground to replenish aquifers. It is paramount to protect these lands for the purposes of replenishing Aquifers and as storage site for flood watersheds protecting habitat for endangered and threatened species.

Land owners have a constitutionally protected right to sell their land as dictated by the 5th amendment eminent domain clause. When developers build on these wetlands, we see unsuspecting home owners flooded out. The American public then expects FEMA to come to their rescue financially. I say to you: it is far more financially intelligent to buy these lands and put them in preservation as a reservoir for naturally occurring, excessive water flow, than it is to keep bailing out homes built in flood plains. This funding is means to prevent building homes in flood plains and protects the water supply for the current population and future generations. We all want our children and grandchildren to have safe water.

These sites also serve the purpose of naturally allowing waters to be absorbed into the aquifer. Safe, potable water is becoming a growing crisis throughout this country.

Preserving lands for the replenishment of aquifers and watersheds, will ensure that the American public will have safe water for generations to come. This is a responsibility that Congress has the ability to address now. I encourage you to reinstate the LWCF in 2015.

Historically, in New Jersey, the LWCF has provided essential funding for our five national wildlife refuges, park service units from Delaware Water Gap to the Edison National Historic Site, vital conservation dollars for the Highlands Conservation Act program and funding for numerous state and local parks and trails. It has protected watersheds and wetlands, ensuring clean, ample and affordable drinking water supplies for New Jersey communities. Moreover, this conservation investment helps support jobs and economic vibrancy in our communities.

In particular, today I wish to emphasize the continuing need for LWCF funding for national wildlife refuges in New Jersey and across the nation. This is essential funding necessary to maintain the integrity of our refuges by protecting precious wildlife and fisheries habitat, wetlands and watershed, and expanding public access for recreation.

As a board member and past President of Friends of the Wallkill River National Wildlife Refuge Association, I possess firsthand understanding of the land protection needs at this refuge. The refuge was established in 1990 to preserve and enhance wildlife habitat in one of the most fertile valleys and natural areas in all of New Jersey. The Wallkill River valley is a resource-rich part of the New Jersey-New York Highlands area. The extent of its forested wetlands and undisturbed grasslands makes the Wallkill River one of the largest high-quality inland waterfowl habitats in the mid-Atlantic region. The refuge provides critical habitat for migratory waterfowl on both the Atlantic Flyway and the Hudson-Delaware corridor and is a major black duck focus area of the North American Waterfowl Management Plan. Large populations of nesting black ducks, wood ducks, blue- and green-winged teal, mergansers, mallards, and pintail frequent the refuge's wetland areas. In addition, the Wallkill River and its tributaries are home to 19 state-listed threatened and endangered species. Within the past 200 years, the state of New Jersey has lost an estimated 40 percent of its forested wetlands.

The Wallkill River NWR has focused on urgent land acquisition needs and faces serious development pressures. A recently approved land protection plan expands the refuge boundary to provide greater habitat protection for the federally listed endangered bog turtle. The U.S. Fish and Wildlife Service continues to work with willing seller landowners and community partners to secure vital properties. Several high priority properties are currently available from willing seller landowners. However, without ample LWCF funding, these refuge land protection needs cannot be met and may be permanently lost to inappropriate development. Wallkill NWR has a need of \$1.75 million, for land acquisition, still in waiting.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. LWCF is funded from offshore oil and gas leasing royalties, not taxpayer dollars, and these funds

should go to their intended and authorized use. A 2009 study by The Trust for Public Land found that for every dollar invested in land conservation returns \$10 in economic benefits to our New Jersey communities for flood control and other ecosystem goods and services. Further, our refuges and other public lands drive tourism and support jobs and economic vitality in surrounding communities. The U.S. Fish and Wildlife Service reports that each year over 2.1 million people participate in hunting, fishing, and wildlife watching in New Jersey contributing \$1.7 billion to the state economy.

In years past, I and others have made the request to this committee to fully support and increase funding for Refuge Law Enforcement. Reports from the GAO, the Department of Interior Inspector General, the International Association of Chiefs of Police all concur that there is a serious lack of adequate law enforcement personnel on Refuges. The Deployment Model of 2005 states that the refuge system needs 845 full time officers nationally. Currently there are 237 full time officers and 173 collateral duty officers. Collateral duty officer's primary responsibility is another position such as maintenance or biology. The total law enforcement officers is 410 compared to the needed 845.

In 1981 the Fire Division was under staffed and not adequately trained or equipped, resulting in the deaths of 3 staff members in 1979 and 1981. (Okefenokee Refuge and Merritt Island Refuge). Congressman Sidney Yates worked to bring adequate funding so that the Fire Division could get the job done while maintaining the safety of personnel and public.

Drug smuggling, growing marijuana and selling drugs on refuges is presenting and increasing risk to staff and visitors on refuges. The National Park Service already experienced one fatality as a result of the Southwest border drug smuggling and human trafficking. It may seem as if the loss of one officer is minor in the scheme of things: not to the family of that person. The risks on refuges are increasing because there has been inadequate law enforcement staffing.

I ask that you not wait until there are fatalities as a result of the serious lack of law enforcement of refuges; please don't wait until there are fatalities to recognize the need for law enforcement. The current budget asks for \$38 million; I ask that you increase funding to \$76 million. The budgets of 2005-2008 dramatically cut staff on refuges; many refuges are still understaffed and un-staffed. The Refuge system now has 127 refuge complexes, 501 satellite units, 52 stand-alones, 216 stations without any staff, and 110 refuges that are closed. Adequate funding has not been made available to fully staff the refuge system to the level that is needed to fulfill the requirements of the Refuge Improvement Act of 1997. When there is no staff or law enforcement on refuges criminal activity increases; there is no one to document or react to wrong doing on the lands that are owned and by the American public.

I urge the subcommittee to invest in the LWCF program to provide ample funding for wildlife refuges and other public lands protection, and to fund Refuges at \$549,000,000 for operations and maintenance, and to recognize the need for law enforcement on refuges by specifying \$76,000,000 for law enforcement on refuges. In these tough economic times it is the wise choice that reaps direct benefits to the people of New Jersey and across the country.

**Testimony of
Mike Carlson, Government Relations Director
Gathering Waters Conservancy
In Support of the Land and Water Conservation Fund
and the Forest Legacy Program in Wisconsin
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund and the Forest Legacy Program in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that \$900 million, the President requested \$135 million for the Forest Legacy Program (FLP).

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF and FLP will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in FY 2012, the U.S. Forest Service included funding requests for two projects in Wisconsin. First, \$1 million was recommended for acquisitions in the Chequamegon-Nicolet National Forest as part of the Wisconsin Wild Waterways program. Second, \$2.5 million was requested for the Chippewa Flowage project in the Forest Legacy Program. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF and FLP so that these important projects can receive this needed funding.

Wisconsin Wild Waterways – LWCF

The Chequamegon-Nicolet National Forest in northern Wisconsin boasts towering stands of balsam and spruce, diverse hardwood trees, and swamp forests with spruce, tamarack and white cedar. These varied forest types are complimented by an abundance of lakes, rivers, and streams. The forest offers outstanding opportunities for diverse recreation, including hunting and fishing, hiking and camping, wildlife viewing, crosscountry skiing, bicycling, and snowmobiling.

The 1.5 million-acre forest hosts thousands of visitors each year. Active outdoor recreation contributes over \$9.7 billion annually to the state's economy and supports 129,000 jobs. As a top destination for recreation, the Chequamegon-Nicolet National Forest provides an economic boost to Wisconsin while preserving its natural heritage.

The Forest Service has recognized the unique attributes of the Wisconsin forests by undertaking the Wisconsin Wild Waterways land protection program, supported through annual funding from the Land and Water Conservation Fund. The program focuses on consolidation of publicly owned land to benefit recreation and natural resources and to improve forest management. In the past few years, over 10,000 acres of undeveloped shoreline along several critical lakes and streams have been protected through this program.

In FY 2012, there is an opportunity to support Land and Water Fund (LWCF) acquisitions that would place valuable properties within the ownership of the U.S. Forest Service. Placing these inholdings in Forest Service ownership will ensure that they are managed to preserve their values as wildlife habitat, timber production and recreational amenities. The President's Budget for FY 2012 includes \$1 million for the Wisconsin Wild Waterways Project at the Chequamegon-Nicolet National Forest. This will be a significant investment in a multi-year, multi-property conservation effort by Wisconsin's Board of Commissioners of Public Lands, The Nature Conservancy, and The Trust for Public Land.

Chippewa Flowage – FLP

The protection of 18,179 acres of forestlands within the checkerboard of public and private ownership is an exciting opportunity to create a unified area of a million protected acres that can support the local economy by preserving vast wildlife habitat, help climate mitigation and adaptation, ensure public access for recreation, and maintain sustainable forestry practices.

The easement is an important opportunity to create a unified block of over one million acres of protected forest and natural lands in the Chippewa Flowage watershed, which is an ecological gem. The Chippewa Flowage is one of the wildest lakes in Wisconsin, drawing recreationists from around the world for its fishing. Over 12,000 acres within the flowage are managed jointly by the Wisconsin Department of Natural Resources, the U.S. Forest Service, and the Lac Courte Oreilles Band of Lake Superior Chippewa (LCO). The western boundary of the easement property adjoins nearly 24,000 acres of primarily natural LCO tribal land.

Many natural resources used by the LCO tribe traditionally and currently are found on the property and adjoining tribal lands, including birch and pole oak for wigwam poles, morel mushrooms, and abundant wildlife for trapping and hunting. Benefits for surrounding communities include water supply and watershed protection. The Village of Radisson's municipal water flows from parts of this property. The federally listed endangered Gray Wolf is known to frequent the property, which also contains State Species of Concern, State Threatened and State Endangered species.

The Chippewa Flowage is a major tourist destination, helping to generate \$8 million annually in Wisconsin from fishing, hunting and wildlife viewing. Public access on this property will continue to support the local economy. Forest-based recreation accounts for about \$5.5 billion of the \$14 billion spent on recreation in the state. The Wisconsin Northwoods is also a common destination for migratory and forest interior birdwatchers. If this property is not protected by a Forest Legacy easement, it will be divided and sold like other nearby timberlands.

The property will also offer unique values for addressing climate change, as it holds important forestlands and wetlands containing large carbon stores that will help mitigate climate change. Carbon sequestration on the lands will be further enhanced by the sustainable forestry guidelines of the Forest Legacy easement.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. For several years this Forest Service program has been funded under the umbrella of the Land and Water Conservation Fund.

Gathering Waters Conservancy's mission is to help land trusts, landowners and communities protect the places that make Wisconsin special. Our goal is to increase the amount of protected land in the state through private, voluntary action. Unlike any other organization, we accomplish our mission by promoting private, voluntary conservation action and strengthening Wisconsin land trusts. Gathering Waters Conservancy provides land trust services in three related ways: we function to keep land trusts running smoothly, we help them increase the pace and sustainability of their work; we work on a non-partisan, non-adversarial basis to advance policies and programs that promote permanent, voluntary land conservation and strengthen Wisconsin's land trust community; and finally we work to help land trusts become well-known and valued community institutions. We aim to see land trusts strongly supported and sought out as conservation leaders.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Wisconsin, and I appreciate your consideration of this funding request.

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

March 10, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, federal agencies and water, power and environmental interests. These programs are recovering four species of endangered Colorado River fish such that they can each be removed from the federal endangered species list and providing critically important Endangered Species Act (ESA) compliance for over 2,100 federal, tribal, state and private water projects across the Upper Colorado River Basin. Through these efforts, water use and development has continued in our growing western communities in full compliance with the ESA, state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. Recognizing the need for fiscal responsibility, I must also point out, with respect to the fish recovery programs, that it will cost the program participants, including Wyoming, much more in terms of ESA costs if these programs do not continue. The State of Wyoming requests action by the Subcommittee to:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") for fiscal year 2012 to allow the U.S. Fish and Wildlife Service (FWS) Region 6 to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 March 10, 2011
 Page 2

2. Appropriate \$200,000 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to allow FWS Region 2 to continue its essential participation in the San Juan River Basin Recovery Implementation Program during fiscal year 2012.

3. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

We once again request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important endangered species recovery programs. We recognize and appreciate that the past support and assistance of your Subcommittee has greatly facilitated the success of these ongoing efforts. Thank you for your consideration of my request.

Best regards,



Matthew H. Mead
 Governor

MHM:jws

cc: Representative Cynthia Lummis
 Governor John Hickenlooper
 Governor Gary R. Herbert
 Governor Susana Martinez

GRAND VALLEY WATER USERS ASSOCIATION

GRAND VALLEY PROJECT, COLORADO

1147 24 Road (970) 242-5065 FAX (970) 243-4871
GRAND JUNCTION, COLORADO 81505

Name: Richard L. Proctor
Title: Manager
Organization: Grand Valley Water Users' Association

March 17, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

INApprop.Detailee@mail.house.gov

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

Richard L. Proctor, Manager
Phone: (970) 242-5065
Fax: (970) 243-4871
E-mail: Gvwual147@aol.com

**Testimony of Susan Shea, Director of Conservation, Green Mountain Club
In Support of the Forest Legacy Program
Northern Green Mountain Linkage project, Vermont
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

As Director of Conservation for the Green Mountain Club, the nonprofit organization which maintains the Long Trail, the nation's oldest long-distance hiking trail, I appreciate the opportunity to present this testimony in support of the Forest Legacy Program in the FY 2012 Interior Appropriations Bill. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected over 2 million acres in 43 states and territories, consistently with a 50% non-federal cost share, double the required 25% cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that \$900 million, the President requested \$135 million for the Forest Legacy Program (FLP).

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in FY 2012, the U.S. Forest Service included \$2.55 million for the Northern Green Mountains Linkage project in Vermont in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for FLP so that this important project can receive this needed funding.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the state by protecting the following types of land: large contiguous and

productive forest blocks, wildlife habitats dependent on large contiguous forest blocks, threatened and endangered species habitat, state fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors. Sustainable timber harvesting is also critical; the annual contribution of forest products, forest-based manufacturing, and forest-related recreation to Vermont's economy is over \$2.6 billion. All tracts are well suited for development of large estate lots or subdivisions due to the extensive road frontage, water bodies, gentle terrain, scenic value, and proximity to ski resorts and urban areas.

The 5,804-acre Northern Green Mountains Linkage project is situated on the spine of the Northern Green Mountains in Lamoille and Orleans Counties, and will protect managed and productive timberland while protecting 25 undeveloped ponds, 25 miles of streams, several rare species and natural resource communities and high quality habitat. Using fee and easement acquisitions, the project will link 62,200 acres of conserved lands, including lands the Green Mountain Club has protected for the Long Trail, providing connectivity from the Champlain Valley to the Green Mountains and north to Quebec and east to the Worcester Range. This project will address the problem of forest fragmentation and associated impacts on the timber economy, public access to recreation and wildlife habitat connectivity in Vermont's northern region by permanently protecting critically-located properties.

Vermont's Northern Green Mountains are one of the wildest and largest forested landscapes remaining in all of New England. The region, which follows the spine of the Green Mountains north from Mount Mansfield to the Canadian border, encompasses sweeping tracts of forest where moose, bobcat, black bear, and a myriad of rare and endangered songbirds make their home. These mountains and their slopes are remarkably diverse, containing all the major ecosystem types of the ecoregion, from boreal forests, temperate mixed hardwoods, and alpine meadows to floodplain forests and marshes. Additionally, there are state rare and threatened plant species on the properties, including cliff fern, rose pogonia, lungwort, and smooth musk flower. It is also a magnet for hikers, skiers, backpackers, and other outdoor enthusiasts, particularly those drawn by more than 65 miles of the Long Trail – the nation's oldest long-distance hiking path, built by the Green Mountain Club between 1910 and 1930, and the inspiration for the Appalachian Trail. Also snaking through the region is the increasingly popular Catamount Trail, a skiing trail traversing the length of Vermont.

The Northern Green Mountains have long been recognized as a top conservation priority by many of the region's small towns, such as Jay, Westfield, and Hyde Park, who are now mobilizing to conserve the places that define and sustain their communities. Two Countries One Forest (2C1Forest), a Canadian-American coalition of 50 conservation organizations, public agencies, and researchers sponsored scientific research to identify important wildlife corridors in the Northern Appalachian Acadian ecoregion. In 2007, 2C1Forest chose the Northern Green Mountains-to-Sutton Mountains linkage as one of their top five conservation priorities. The area has also been identified as significant in VT Fish & Wildlife's soon-to-be-completed statewide assessment and ranking of large forested blocks and associated linkage habitats. The Northern Green Mountains are a

crucial place for regional landscape connectivity because they help tie the Adirondacks of New York, and the central Appalachians of Massachusetts and points south to the Northern Appalachians of Maine and Canada. In so doing they serve as an important north-south corridor for wildlife and, because of their large range in elevation, provide species with flexibility in their movement.

Projects like the Northern Green Mountains Linkage that maintain connectivity on local, state, and regional scales are also critical to support adaptation of wildlife species to climate change. These corridors will facilitate species movement in response to shifts in forest habitat, food availability, and snowpack. As one of the five most important mega-corridors in the entire region, protecting the Northern Green Mountains habitat linkage will be essential for climate adaptation. These forested tracts also offer important climate adaptation value as habitat refugia for cold-loving species whose habitats will be lost in other areas. The Northeast Climate Impacts Synthesis Assessment Team projects that this region will retain consistently cold winters and reliable snowpack through the end of the 21st Century, even under high carbon emission scenarios. This is significant for a wide range of snow-dependent species, like snowshoe hare and marten, as these same projections suggest that snowpack will largely disappear from New England to the south of the project area. Protection of this area is also important for adaptation of the eastern brook trout. Some of the parcels for protection include important headwater streams to the Missisquoi River, one of Vermont's important habitat areas for eastern brook trout. Conserving these high elevation headwater streams will help maintain flows and cooler water temperatures in the lower lying Missisquoi as the climate warms in this area.

The 3,739 acres that will be conserved with FY 2012 Forest Legacy funding is made up of three separate parcels. Almost the entire expanse - 95% - of the 1,748-acre Jay Brook tract in Westfield is above 1500 feet, providing critical wildlife habitat protection and important refugia to species adapting to climate change. Protection of this land would conserve 3.6 miles of the Catamount Trail and add an extra conserved buffer to 5.8 miles of The Long Trail, where portions of the Long Trail State Forest are only 650 feet wide- an inadequate buffer of the state's most well-known and well-loved trail. The 1,478-acre Bullard Tract, in Eden and Hyde Park provides a wide linkage that connects lowland forest to previous Forest Legacy Program investments around Green River Reservoir State Park (protected with FY 1999 funds) up to the ridgeline of the Green Mountains on the Eden Forest property (protected with FYs 2009 and 2010 funds). Lastly, the 513-acre Westfield Mountain Tract is managed for the production of maple syrup and high value timber and would be a significant addition to a previously conserved block of forestland in the Northern Green Mountains.

The vast majority of the land in the Northern Greens remains in private hands, with thousands of acres available on the open market. Threats from an expanding second-home industry (even in today's uncertain economy), road construction and changing forestry and farming practices put key blocks of forestland at risk and create barriers to wildlife movement. Such changes also threaten the vibrant rural culture and economy of the Northern Greens, with its mix of small-scale community farms, forestry and

recreation. A recent explosion of development pressure in the Northern Green Mountains resulting from expanding ski resorts and the area's proximity to greater Burlington and other population centers, has made this a "now or never" moment to conserve key landscapes in this important habitat and recreation area. According to census data, growth rates in Lamoille and Orleans counties are more than double the growth rate in Vermont as a whole. In Vermont, only 21 percent of the Northern Green Mountains is protected from development, compared to 45 percent of the central and southern Green Mountains.

A request for \$2.3 million in Forest Legacy Program funding was requested in the FY 2011 President's Budget for the first 2,065 acres of the Northern Greens project. The President's Budget for FY 2012 requests an additional \$2.55 million from the Forest Legacy Program for the remaining 3,739 acres of the project, which is ranked #19 in the nation out of 46 projects. These two years of federal funds are needed to ensure the protection of critical forest resources in northern Vermont and will be matched by \$1.62 million of non-federal contributions for the acquisition of full fee and partial interests through conservation easement.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Vermont, and I appreciate your consideration of this funding request.

Sincerely,

Susan E. Shea
Director of Conservation
Green Mountain Club
4711 Waterbury-Stowe Road
Waterbury Center, VT 05677
Phone: (802) 244-7037, ext. 19
Fax: (802) 244-5867
sshea@greenmountainclub.org

**Testimony of the Green Ravens
Rio Grande High School, Albuquerque
In Support of the Land and Water Conservation Fund and the
Proposed Middle Rio Grande National Wildlife Refuge, New Mexico
U.S. Fish and Wildlife Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

We appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF). The Green Ravens support this program because of the impact it could have in our neighborhoods in Albuquerque if the Price's Dairy property can be acquired and turned into a national wildlife refuge. LWCF would be Congress' way of supporting this refuge idea through the property's protection.

In supporting the Price's Dairy project, we have learned a lot about the Land and Water Conservation Fund and how it helps Albuquerque and other places in New Mexico. LWCF was created back in 1964 to protect important lands and the natural, recreational, economic, water, historic, and ecological resources on them. The program is supposed to receive \$900 million a year from money generated from offshore drilling. The concept of LWCF is simple: when we use and decrease a natural resource, we should put some of the gain to use and increase other natural resources like our public lands.

We understand that the President has proposed full funding of LWCF in FY 2012. We think this is wise and will help make America a better place to live and enjoy our outdoors. For the Green Ravens, we think this proposal will make it easier and eventually allow for the U.S. Fish and Wildlife Service to protect the 570-acre Price's Dairy property in the South Valley and make it a part of a national wildlife refuge.

Price's Dairy is one of the last undeveloped properties in the South Valley. Other properties have been developed around it, and it is one of the last remaining places to see birds and other wildlife close to our neighborhood and school. It is important to protect this property before it is lost.

The property is next to the Rio Grande, one of New Mexico's greatest resources. The river supplies a lot of water for the people of New Mexico for drinking, for farming and ranching, and for the wildlife that live near it. The protection of the Price's Dairy property and its water rights will save water and make the river healthier.

A refuge at Price's Dairy would also expand recreational and educational opportunities for students like us, the rest of the people in Albuquerque, and everyone

who comes to visit. The refuge would host class trips, internships, and volunteer activities. It would be a place to learn about our natural surroundings in New Mexico: the Rio Grande, the mountains, the desert, and the wildlife. There are many trails along the river, and the refuge would focus attention on the trails and increase their use.

All of these recreation, tourism, and educational activities would help the economy of the South Valley. Most importantly, it would also do so in our own neighborhood in a place accessible to our families and schools and to the people who come to New Mexico to visit. The refuge would be the first urban national wildlife refuge in the Southwest.

We know it will take time to create this refuge and to buy the land through the Land and Water Conservation Fund. We believe it is worth the time, because, if the refuge project is completed, we will have it, benefit from it, and take care of it for many years to come. It will then be around for our children when they are in high school.

Thank you, Mr. Chairman, for the opportunity to present this written testimony from the Green Ravens of Rio Grande High School in support of the Land and Water Conservation Fund and the proposed Middle Rio Grande National Wildlife Refuge.

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
 Testimony of the Humane Society of the United States, Humane Society Legislative
 Fund, and Doris Day Animal League on the FY 2012 Budget
 April 1, 2011

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations with a combined membership of more than 11 million supporters nationwide. We urge the Subcommittee to address these priority issues in the FY 2012 Department of Interior appropriation.

Large Constrictor Snakes

The HSUS commends the U.S. Fish and Wildlife Service for proposing to list nine species of large constrictor snakes as "injurious," which will prohibit importation and interstate movement of animals as pets. A recent, comprehensive report by the U.S. Geological Survey showed these snakes all pose medium or high risk to our environment; none are low risk. While Burmese pythons and, to a lesser extent, boa constrictors have been established in Florida for some time, it appears that northern African pythons are now breeding there as well. In other areas, releasing these animals to fend for themselves can lead to an inhumane death from starvation, dehydration, being struck by cars, or exposure to bitterly cold temperatures. The Service must have the resources to respond quickly to prevent the spread of these species and establishment of new ones.

Environmental Protection Agency

Endocrine Disruptor Screening Program

Research focused on molecular screening has the potential to revolutionize toxicity testing improving both its efficiency as well as the quality of information available for human safety assessment in the Endocrine Disruptor Screening Program (EDSP). These "next generation tools" will speed up the assessments of chemicals in the EDSP and reduce, and ultimately, replace animal use. We urge the Committee to incorporate the following report language:

*Recognizing ToxCast has great promise to streamline and significantly increase the throughput of the Endocrine Disruptor Screening Program (EDSP), the Committee directs EPA to accelerate the evaluation, validation and implementation of the endocrine-relevant ToxCast assays. The Agency shall devote \$26,209,000 in FY2012 to **Office of Research and Development's** Computational Toxicology Research, with a \$5,000,000 increase over the FY2012 Presidential Budget to be expressly devoted to validating ToxCast endocrine screening methods for the EDSP. This increase will be funded from the FY2012 Science and Technology account.*

EPA shall not issue EDSP Test Orders for additional substances until such time as 1) the EDSP List 1 test results have been collected, analyzed by EPA and poorly performing or redundant assays eliminated and replaced, if necessary, with valid ToxCast assays; and 2) the Agency uses a peer consultation process to revise the EDSP weight of the evidence guidance to assure a

systematic and consistent approach for evaluating other scientifically relevant information and EDSP results. These two activities, led by the EPA office issuing EDSP List 1 test orders, shall include public comment, independent scientific peer review, and publication of Agency responses before adoption by the Agency.

Multinational Species Conservation Fund

The HSUS joins a broad coalition of organizations in requesting an increase over the Administration's request for the Multinational Species Conservation Fund (MNSCF) and Wildlife Without Borders. The MNSCF was established by Congress to benefit African and Asian elephants, rhinos, tigers, great apes, and marine turtles. Congress has been very supportive of these programs in the past. Unfortunately in past years, the funding has been considerably less than the amounts necessary to carry out these valuable missions. We ask that you continue to support these highly threatened mammals and birds in FY 2012 by appropriating \$2 million each for the Asian Elephant, African Elephant, and Marine Turtle, \$2.5 million for the Great Ape Conservation Funds, and \$4 million for the combined Rhinoceros and Tiger Conservation Fund. We also request \$7.4 million for the Wildlife Without Borders regional program. These numbers represent level funding for all of the Funds except Rhino-Tiger, which has a \$1 million increase to bring it level with African and Asian Elephants and Marine Turtles and to capitalize on commitments made at last year's Tiger Summit.

While we wholeheartedly support increased funding for the MNSCF, we are concerned about past incidents and future opportunities for funds from these *conservation* programs to be allocated to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MNSCF must be consistent with the spirit of the law.

Protection for Walruses

We urge this subcommittee to appropriate the necessary funds in FY 12 to permit the listing of the Pacific walrus, which has been placed on the candidate list for threatened or endangered status under the Endangered Species Act. The USFWS recently found that listing the Pacific walrus was warranted, due primarily to threats the species faces from loss of sea ice in its arctic habitat as a result of climate change. Walruses are targeted by native hunters for subsistence; hundreds are killed annually, with this number climbing to as many as 7,000 in some years. In some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. By waiting to list the Pacific walrus, the species' likelihood of survival is in doubt. We encourage this subcommittee to direct the USFWS to prioritize the Pacific walrus listing by immediately moving forward with the listing process.

Bureau of Land Management - Wild Horse and Burro Program

The Humane Society of the United States (The HSUS) is one of the leading advocates for the protection and welfare of wild horses and burros in the U.S with a long history of working collaboratively with the Bureau of Land Management (BLM) – the agency mandated to protect America’s wild horses and burros - on the development of effective and humane management techniques. Wild free-roaming horses and burros deserve first to be given every chance to live out their lives wild and free, as the American public has clearly mandated and Congress has stated. When intervention is required, we owe them our best efforts to ensure that any human actions that affect their lives – such as gathers, transportation, confinement, and adoption – are done in a way to assure their humane treatment.

Therefore, The HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for preventative herd growth is unsustainable, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. For instance, between 2001 and 2007, the BLM removed approximately 74,000 (an average of about 10,600 animals per year) from the range, but could only place 3,000 horses a year, with the rest forced into holding facilities. The annual costs associated with caring for one wild horse in a long term holding facility is approximately \$500, and the average lifespan of a wild horse in captivity is 30 years. There are approximately 40,600 horses in these pens currently. In the most recently completed fiscal year (2010), holding costs accounted for \$36.9 million out of a total wild horse and burro budget of \$63.9 million (plus an additional \$2.1 million in 2009 “carryover” funding).

We are encouraged by the BLM’s recent announcement (referenced in the agency’s FY 2012 budget justifications¹) regarding the agency’s intent to open “a new chapter in the management of wild horses, burros, and our public lands” by fast-tracking “fundamental reforms” to its current policies and procedures. Specifically, the agency announced that it would strengthen its commitment to the use of fertility control by significantly increasing the number of mares treated with fertility control – from 500 in 2009, to a target of 2,000 in each of the next two years. This represents a huge step in the right direction.

The idea of using fertility control to efficiently manage wild horses and burros on the range is nothing new, and one that we have been actively supporting and involved with for several decades. As early as 1982, the National Academy of Sciences (NAS) called on the BLM to use immunocontraception to manage wild horse and burro populations, finding it an effective technology and part of a pro-active management strategy. And in its 1990 report on the BLM’s

¹ Bureau of Land Management 2012 Budget Justifications (Page IV 66-67)
http://www.doi.gov/budget/2012/data/greenbook/FY2012_BLM_Greenbook.pdf

wild horse management program, the U.S. Government Accountability Office (GAO) found then that keeping excess animals in long-term holding was costly and recommended that BLM examine alternatives, such as treating animals with reproductive controls and releasing them back on the range.² Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving \$6.1 million per year.³ Finally, the results of an economic model commissioned by The HSUS indicates that by treating wild horses and burros with the fertility control vaccine Porcine Zona Pellucida (PZP), the BLM would save approximately \$204 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) on wild horse Herd Management Areas (HMA) in the U.S.

However, even with a significant increase in the number of mares treated and released back onto the range, by the end of fiscal year 2012, the BLM plans to remove an additional 15,000 wild horses from our public lands. Since there are already 40,600 wild horses and burros living in government holding facilities today — and, on average, the agency is only able to find homes for approximately 3,000 animals a year — by 2012, there could be more than 50,000 animals in captivity. That's almost twice the number of wild horses and burros living on our public lands today, and as a result, the cost of caring for these animals off the range could more than double in a just a few years.

The BLM must balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs. Therefore, while we support the BLM's efforts to increase the use of fertility control to manage wild horse herds, we strongly recommend that the Subcommittee deny the 12 million dollar budget increase that the BLM has requested, and instead, direct the agency to focus all spending on gather, treat, and release programs and the proper care of horses in its custody rather than continuing with a removal program that further floods government pens with wild horses.

Again, we commend the Secretary and the BLM for taking critical steps towards a more sustainable wild horse management program and believe the Subcommittee's guidance and support for humane and sustainable management will further the implementation of a program that will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer.

²GAO, *Rangeland Management: Improvements Needed in Federal Wild Horse Program*, GAO/RCED-90-110 (Washington D.C.: Aug. 20, 1990).

³ Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. *J. Wildl. Mgmt.* 71(8):2811-2819.



 Industrial Minerals Association — North America

April 1, 2011

The Honorable Mike Simpson
 Chairman
 House Interior and Environment
 Appropriations Subcommittee
 Washington, DC 20515

The Honorable James Moran
 Ranking Member
 House Interior and Environment
 Appropriations Subcommittee
 Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The Industrial Minerals Association – North America is very concerned with the Administration targeting the U.S. Geological Survey's (USGS) Mineral Resource Program (MRP), which includes the National Minerals Information Center (NMIC), for a substantial funding cut in the FY 2012 USGS budget request. We would like to urge your Committee to fully fund the NMIC in the FY 2012, so it may continue to produce the reports that are so vital to the economy and national security of the United States.

The IMA-NA is a trade association that represents companies that produce industrial minerals such as ball clay, barite, bentonite, borates, calcium carbonate, diatomite, feldspar, industrial sand, kaolin, mica, soda ash, talc, wollastonite, and other industrial minerals, and associate member companies that provide goods and services to the industry. IMA-NA typically represents seventy-five percent or more of the production for each of these minerals in the United States.

The United States enjoys the most environmentally benign processes for production of industrial minerals in the world. Industrial minerals are critical to the manufacturing processes of many of the products that we use every day. They are used in the production of glass, ceramics, paper, plastics, rubber, detergents, insulation, pharmaceuticals, and cosmetics. They also are used in foundry cores and molds used for metal castings, paints, filtration, metallurgical applications, refractory products and specialty fillers. IMA-NA members have demonstrated a commitment to the goals of sustainable development and operating in an environmentally friendly manner.

The Administration has targeted the U.S. Geological Survey's (USGS) Mineral Resource Program (MRP), which includes the National Minerals Information Center (NMIC), for a substantial funding cut in the FY 2012 USGS budget request. As you are aware, the mission of the NMIC, formerly the Minerals Information Team, is to collect, report, and analyze national and international data on the supply of nonfuel minerals critical to the U.S. economy and national security. President Obama's proposed cut to NMIC of \$2.7 million, or 17 percent, would severely limit the NMIC's ability to produce accurate and timely data by eliminating the

IMA-NA Letter on USGS FY 2012 Budget

2

international data collection and analyses component. We urge you to restore the \$2.7 million to NMIC's budget and increase by \$6.6 million the full authorized funding for this important program in the upcoming FY 12 interior and environment appropriations bill.

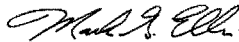
Since the NMIC was transferred by Congress from the former U.S. Bureau of Mines to the USGS in FY 1996, it has suffered a continually shrinking budget, yet its mandate and importance has not changed. It is the only organization tasked with providing a comprehensive source of nonfuel mineral analysis to all levels of domestic government, including the Department of Defense to help manage the National Defense Stockpile. The United States is the world's largest user of mineral commodities, with processed materials of mineral origin accounting for over \$578 billion in the U.S. economy in 2010. The NMIC found in 2010 that U.S. import reliance was more than 50% for 43 minerals critical to national security and the U.S. economy and 100% reliant for 18 minerals.

The NMIC should be better supported and fully funded by the Administration. NMIC's budget has been arbitrarily maintained at roughly 30% of the USGS MRP budget ever since its transfer to the USGS. This is despite increasing requests for further collaboration by the NMIC customers (including the mining industry, Congress, other Federal agencies, and the White House) and recommendations by the National Research Council in its 2008 report, "Minerals, Critical Minerals, and the U.S. Economy," as well as the 2011 report by the American Physical Society and Materials Research Society entitled, "Energy Critical Elements: Securing Materials for Emerging Technologies."

Both the public and private sectors use the information in the reports issued by the NMIC to better understand supply, demand and the end use of minerals, including Rare Earth Elements and other critical energy elements essential for defense systems, wind turbines, computer hard drives, precision-guided munitions, and hybrid-electric batteries. These data are essential for the effective use of our natural resources and for accurate forecasting. Considering there is no other unbiased source for these comprehensive data, the loss of this information will place domestic users and manufacturers at a severe disadvantage. Reduced funding for the USGS and its minerals information center is counterproductive to the Administration's stated goal of energy independence for the United States.

We greatly appreciate your past support for the program and urge you to again support full funding of the NMIC, so it may continue to produce the reports that are so vital to the economy and national security of the United States.

Sincerely,



Mark G. Ellis
President

USGS STREAMGAGE PROGRAMS SUPPORT

Testimony

April 1, 2011

Presented by Peter Evans

Executive Director, Interstate Council on Water Policy

to the

U.S. House of Representatives

Committee on Appropriations

Subcommittee on Interior, Environment and Related Agencies

concerning the

U.S. Geological Survey

FY-2012 Budget

The fifty-two (52) commissions, councils, organizations and associations listed on page 3, below, join together to urge your support to enable the U.S. Geological Survey (USGS) to fully implement its design for the **National Streamflow Information Program (NSIP)** beginning in FY-2012 and to restore the USGS capacity to fully match non-federal cost-share investments in the **Cooperative Water Program (CWP)**. Full implementation of the NSIP will require \$117 million annually (substantially more than the \$27.7 million available last year). With a fully functioning NSIP, the USGS would also need approximately \$95 million for the CWP to match state, tribal and other non-federal investments in water resources data collection and interpretive investigations (the budget for last year included only \$65.5 million).

Members of our commissions, councils, organizations and associations rely on the water data and science that these two programs produce and many are active, cost-share partners ("Cooperators") in the Cooperative Water Program. America's need for streamflow, groundwater, tidal surge, precipitation and water quality data increases every year in relation to the land use and economic development needs in our states, and our infrastructure planning and ecological commitments magnify those needs. Unfortunately, the NSIP and CWP budgets have not kept up with our members' needs (or with the annual cost-share contributions of over 1,500 Cooperators, which has been approximately \$160 million/year).

The NSIP and CWP are proven sources of reliable scientific information that we need on a regular basis to support good decision making for both the public and private sectors in a wide variety of analytical, planning, design and management functions, including:

- monitoring compliance with federal compact and Native American trust responsibilities;
- designing bridges, dams and other infrastructure;
- forecasting storm surge, flood and drought conditions and issuing emergency advisories;
- identifying flood-prone areas to protect lives and property and reduce disaster relief expenses;
- administration of water rights;

- managing reservoir releases for water supply, irrigation, hydropower, environmental and navigation uses;
- monitoring and protecting water quality, fisheries, wetlands and endangered species;
- providing safety information for boating and other water-based recreation;
- analyzing climate change and evaluating response options; and
- projecting future water needs and availability for agricultural, municipal and industrial uses.

Concern for the long-term continuity and reliability of our national streamgaging data led the Congress to ask USGS for a solution and USGS proposed the NSIP in 1999. NSIP was designed and authorized to operate as a federally-funded “backbone” network supporting approximately 4,750 streamgages and tidal gages necessary to fulfill five specific national purposes. The National Research Council’s Committee on Water Resources Research evaluated the NSIP design and concluded that it will provide “a sound, well-conceived program that meets the nation’s needs for streamflow measurement, interpretation, and information delivery.” However, of the 4,750 streamgages needed to meet those five national purposes, more than 330 have not been installed yet, about 770 need to be reactivated and 88% (3,077) of the 3,465 active NSIP gages still depend upon CWP funds.

While the CWP has served America well for over 110 years, USGS is now able to support less than 1/3 of its’ cost. In 2009, USGS operated a network of about 7,825 active streamgages nationwide, but more than 890 have been “discontinued” due to inadequate funding since 2001. Many of those streamgages had over 50 years of continuous record, which makes their loss much more serious. Another 273 streamgages in 37 states are currently identified as being at risk or have already been recently discontinued.

While our nation is adjusting to recession impacts and budget corrections, reliable science has never been more important in protecting American communities, businesses and infrastructure investments, and in planning to reduce our vulnerability to floods and droughts that have caused so much damage and required so many expensive disaster response appropriations.

The Committee should enable the USGS to fully implement the NSIP plan as soon as possible and we urge you to appropriate \$117 million in FY-2012 for that purpose. Full implementation of the NSIP would help to reverse the loss of long-term streamgages and provide the data needed to assess water quality and climate change, to forecast floods (including storm surge) and droughts and to provide emergency warnings, manage interstate water supplies and monitor compliance with federal treaty, compact and Native American trust responsibilities.

By itself, however, the NSIP cannot meet our national need for the water data required to manage water resources in a sustainable manner and federal funding for the USGS share of the CWP data collection and investigations of at least \$95 million will be necessary. Re-balancing the CWP cost-share in line with the long-standing tradition of a 50:50 partnership is especially important now, as state, tribal and local agencies confront recession-driven fiscal challenges.

The provision for full implementation of these programs would represent a very reasonable investment, considering the magnitude of our ongoing disaster emergency expenses and the federal responsibilities and programs that depend on information from the NSIP and the CWP. It

would also be consistent with the National Governor's Association's addition to its position statement NR-03 on Water Resource Management adopted in July 2010.

If we can provide additional information, please contact any of us or Peter Evans at the Interstate Council on Water Policy (phe@riverswork.com or 703-243-7383).

Sincerely,

Alabama Rivers Alliance
 American Canoe Association
 American Rivers
 American Society of Civil Engineers
 American Water Resources Association
 American Water Works Association
 American Whitewater
 Appalachian Mountain Club
 Association of American State Geologists
 Association of California Water Agencies
 Association of Metropolitan Water Agencies
 Association of State Dam Safety Officials
 Association of State Floodplain Managers
 Association of State & Interstate Water Pollution Control Administrators
 Bear River Commission
 Coastal States Organization
 Colorado River Basin Salinity Control Forum
 Colorado Water Congress
 Delaware River Basin Commission
 Housatonic Valley Association
 Hydropower Reform Coalition
 Idaho Rivers United
 Interstate Commission on the Potomac River Basin
 Interstate Council on Water Policy
 Interstate Environmental Commission
 Irrigation Association
 Missouri River Association of States & Tribes

National Association of Clean Water Agencies
 National Association of Flood & Stormwater Management Agencies
 National Association of State Boating Law Administrators
 National Drought Mitigation Center
 National Flood Determination Association
 National Ground Water Association
 National Hydropower Association
 National Water Resources Association
 National Wildlife Federation
 New England Interstate Water Pollution Control Commission
 Ohio River Valley Water Sanitation Commission
 Oregon Water Resources Congress
 River Alliance of Connecticut
 River Alliance of Wisconsin
 River Network
 Susquehanna River Basin Commission
 Texas Water Conservation Association
 Trout Unlimited
 Upper Colorado River Compact Commission
 Upper Mississippi River Basin Association
 Western States Water Council
 Wisconsin Chapter, American Fisheries Society
 Yellowstone River Compact Commission

**Testimony of the Izaak Walton League of America
Subcommittee on Interior, Environment and Related Agencies**

Submitted by Scott Kovarovics, Conservation Director

March 25, 2011

The Izaak Walton League of America appreciates the opportunity to submit testimony for the record concerning appropriations for fiscal year (FY) 2012 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization with 38,000 members and more than 250 local chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered by the Departments of Agriculture and Interior, Fish and Wildlife Service, and Environmental Protection Agency.

Keep FY 2012 Bill Free of Extraneous Policy Provisions

The League opposes inclusion of policy “riders” which would undermine the ability of the departments and agencies under the Subcommittee’s jurisdiction to effectively implement their statutory authority. In particular, the League opposes any provision which would prevent the Environmental Protection Agency (EPA) from proposing, finalizing, or implementing any guidance, rulemaking, or other authorized administrative action concerning jurisdiction over “waters of the United States” under the Clean Water Act. We also oppose any provision barring EPA from exercising its authority under the Clean Air Act to regulate emissions of greenhouse gases.

The League strongly supports administrative actions the EPA and Army Corps of Engineers could take to restore Clean Water Act protections to some of the streams, wetlands, and other waters that are now at risk of pollution and destruction under the Supreme Court’s *SWANCC* and *Rapanos* decisions. These actions are necessary and appropriate. In fact, Supreme Court justices, including Chief Justice John Roberts and Justice Breyer, have urged the agencies to take such action. Any steps the agencies could take would occur through well-established administrative processes, which provide multiple opportunities for public participation, comment, and review. It is premature and counterproductive to bar potential agency action, which could restore Clean Water Act protections to wetlands that provide essential habitat for fish, wildlife, and waterfowl, as well as streams that flow to public systems supplying drinking water for more than 117 million Americans.

Departments of Agriculture and Interior, Land and Water Conservation Fund (LWCF)

The League supports providing \$900 million for the LWCF in FY 2012 as requested by the administration. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, secure valuable in-holdings, provide recreational access, and to buffer against the likely impacts of climate change. Dramatically reducing funding for LWCF – whether in HR 1 or in a future appropriations bill – will not provide meaningful savings to taxpayers because it is capitalized with revenue from off-shore oil and gas drilling. As importantly, diverting resources from LWCF to offset other expenditures from the general treasury directly undermines the

fundamental premise on which LWCF is based. That common sense premise is a portion of the revenue generated by natural resource extraction should be invested in conserving other natural resources at the national, regional, and state levels.

Fish and Wildlife Service, National Wildlife Refuge System Operations and Maintenance

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 21 wildlife, sporting, conservation, and scientific organizations representing millions of members and supporters, in requesting \$511 million in FY 2012 for operations and maintenance of the National Wildlife Refuge system. This is approximately \$8 million more than the administration's request, and is designed to partially offset rising fixed costs that erode the already under-funded system budget.

The League and CARE groups appreciate the importance of fiscal discipline and making strategic spending decisions. CARE annually develops an estimate of the operations and maintenance budget that is necessary to effectively provide visitor services and law enforcement and conserve and manage fish, wildlife, and habitat across the refuge system. CARE estimates operations and maintenance needs total \$900 million annually. Although our long-term goal is to make steady progress toward a budget which more accurately reflects demands on the ground, CARE's request for FY 2012 is flat after accounting for inflation and other fixed costs.

Although holding the refuge system budget constant for multiple fiscal years diminishes capability to effectively perform core functions, cutting the budget to the FY 2008 level would have much more negative repercussions. Returning to FY 2008 levels would cut the system's operation and maintenance budget by approximately \$66 million. The Service estimates that cutting this amount would adversely affect a wide range of functions, including:

Visitor Services: In 2010, approximately 44.5 million Americans visited wildlife refuges across the country to hunt and fish, observe wildlife, learn from Service professionals, or simply take a walk in the woods. And these visitors have a direct, positive impact on local economies. The Fish and Wildlife Service estimates that refuge visitors generate \$1.7 billion in economic activity and support 27,000 private-sector jobs.

If funding is cut to the FY 2008 level, the Service estimates that 54 visitor centers will be closed and another 11 currently under construction will not be opened due to staff reductions. Functioning visitor centers are essential to providing tens of millions of Americans with information, professional expertise and programming, and basic services that make their visits to refuges not only enjoyable, but in many cases, practical. The Service further estimates that 48 refuges would terminate hunting programs and another 45 would shutter angling programs. As access to private land for hunting and fishing continues to decline and the broader hunting and angling community works hard to grow the number of participants, it would be counterproductive to reduce opportunities to pursue both sports on readily available and accessible public land. If visitor services decline due to budget cuts and visitation is negatively impacted, our shared goal of reviving the economy and creating jobs could be undermined.

Law Enforcement: As the Subcommittee knows, the refuge system faces pressing law enforcement challenges, including illegal drug production and trafficking, illegal immigration, serious violent crime, and poaching. At the same time, the system has only a fraction of the

personnel recommended by law enforcement professionals and independent auditors. In 2005, the International Association of Chiefs of Police concluded that the refuge system needs 845 full-time law enforcement officers to effectively protect visitors and enforce laws applicable to the system. In fiscal year 2011, the system has 213 officers, which is unchanged from FY 2010 and approximately 75 percent below the level recommended by our police chiefs. The analysis of refuge system performance issued by Management Systems International (MSI) in 2008 concluded that: “[A]t many refuges, law enforcement coverage is insufficient to ensure protection of resources and the safety of visitors and refuge staff.”

If the system budget is reduced to the FY 2008 level, the Service could be forced to fire law enforcement officers along with hundreds of other essential staff. With the system already under-resourced in this critical area, deep budget cuts would only exacerbate existing law enforcement problems.

Operations and Maintenance Backlog: The Subcommittee is also very familiar with the persistent backlog of operations and maintenance projects across the refuge system. The Service now estimates that deferred maintenance projects – everything from repairing washed out trails and roads to rebuilding duck blinds and observation platforms – total about \$2.7 billion. Repeatedly deferring essential maintenance only makes the problems worse and more expensive to address over time. We frequently hear about “running government like a business.” Experts recommend that businesses invest two to six percent of the total value of assets in annual maintenance. For the refuge system, with assets valued at more than \$23 billion, the annual maintenance budget is about \$135 million, which represents an investment of less than one percent. Further cutting investment in maintenance, which is essential to providing quality visitor services and effectively managing habitat, fish, and wildlife, is not a good business practice.

Fish and Wildlife Service, State and Tribal Wildlife Grants

As a member of the Teaming with Wildlife Coalition, the League urges the Subcommittee to provide \$95 million in FY 2012, which is equal to the administration’s request, for State and Tribal Wildlife Grants. The State Wildlife Grants support proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants augment state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides states with an important source of federal funds to address non-game species. Finally, the federal investment leverages significant funding from private, state, and local sources.

Environmental Protection Agency, Great Lakes Restoration

The League supports providing \$350 million as requested to build on the investment made in Great Lakes restoration in fiscal years 2010 and 2011. The Great Lakes provide drinking water to 35 million people and support jobs and recreational opportunities for millions more. However, the health of the Great Lakes is seriously threatened by untreated sewage, toxic pollution, invasive species, and habitat loss. The eight states that border the Lakes and many non-governmental organizations have invested significant resources to safeguard these national

treasures. Sustained federal investment at a significant level is also needed or the problems will only get worse and cost even more to fix.

Cleaning up the Great Lakes will provide many benefits, including economic development in the region. According to the Brookings Institution, Great Lakes restoration efforts produce \$2 in economic return for every \$1 invested. Restoration projects create jobs for engineers, landscape architects, construction workers, and many more. Restoration results in cleaner drinking water, clean beaches, and healthy fish and wildlife habitat. These results lay the foundation for long-term prosperity in the region.

The League urges the Subcommittee to provide at least \$350 million to advance this critical initiative, especially when numerous studies estimate that \$5 billion is required to restore the Great Lakes ecosystem.

Environmental Protection Agency, Non-point Source Management Program (Clean Water Act Section 319)

The League urges the Subcommittee to appropriate at least \$200 million for Section 319, the Non-point Source Management Program. Unfortunately, the administration proposes to cut more than \$36 million compared to FY 2010 at the same time EPA and many states report that non-point source pollution is the leading cause of water quality problems, including harmful effects on drinking water supplies, recreation, fisheries and wildlife. Based on the pressing nature of the problem, it makes sense to maintain, if not increase, investment which helps states and local governments to more aggressively tackle non-point source pollution.

Environmental Protection Agency, Chesapeake Bay Program

The League supports the administration's request for \$67.4 million in FY 2012 for the Chesapeake Bay Program. The Chesapeake Bay is the largest estuary in the United States and one of the largest in the world. More than 16 million people live within the Bay watershed. The Bay is a critical economic, environmental, and recreational resource for these residents and the nation as a whole. However, the productivity and health of this nationally significant resource remain seriously impaired by nutrient pollution from multiple sources throughout the watershed.

The EPA and states have launched a significant and rigorous effort to cut pollution and improve water quality. Few would argue that implementing the recently adopted total maximum daily load (TMDL) will not be challenging or not require significant investment to reduce point and non-point source pollution. However, EPA is requesting additional funds, in part, to support states, local governments, and other partners as they begin implementing the TMDL. The League believes it is essential to provide technical assistance to achieve results on-the-ground and lay the foundation for long-term pollution reductions.

The Izaak Walton League appreciates the opportunity to testify about these important issues.



**Statement Submitted to the
House Interior, Environment and Related Agencies Appropriations Subcommittee
for the Fiscal Year FY2012 Budgets for BIA & HIS
By W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe, Washington State
May 3, 2011**

On behalf of the Jamestown S'Klallam Tribe, I want to thank this Subcommittee for the opportunity to submit this written testimony on our funding priorities and requests on the Fiscal Year 2012 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. The FY2012 President's proposed budget presents a renewed opportunity for the U.S. government to live up to the promises made to American Indians/Alaska Native (AI/AN) Tribal governments. We have long appreciated this Subcommittee's support of our funding requests and are pleased to submit the following recommendations and requests:

Tribal-Specific Appropriation Priorities

1. \$600,000 Land Purchase for Tamanowas Rock Sanctuary Project
2. \$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management

Local/Regional Requests and Recommendations

The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board**, and the **Northwest Indian Fisheries Commission**.

National Requests and Recommendations

BIA Requests:

1. Provide \$82.9 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs;
2. Provide \$47.5 million increase for BIA Contract Support Cost (CSC), including Direct CSC; and Provide \$5 million increase in the Indian Self-Determination (ISD) Fund;
3. Restoration and increase funding for Indian Loan Guarantee Program; and
4. Establishment and funding for a Surety Bonding Guarantee Program

IHS Requests:

1. Hold Indian health programs harmless and protect from roll-backs, freezes and recessions.
2. Exempt Tribes from federal pay freeze and use appropriate inflation rates;
3. \$200 million increase for Contract Health Services (CHS);
4. \$153 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC; and,
5. Increase \$5 million to the IHS Office of Tribal Self-Governance

We support all requests and recommendations of the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**. The leadership of the Jamestown S'Klallam Tribe remains actively involved in both NCAI and NIHB and has participated in numerous national forums to discuss and prioritize program funding and budgets. We are extremely supportive of the requests from these organizations.

Tribal-Specific Appropriation Justification:

1. \$600,000 Land Purchase for Tamanowas Rock Sanctuary Project

The purpose of the project is to preserve tribal cultural and ceremonial access to an important archaeological site of the S'Klallam American Indian people. Tamanowas Rock, located in Eastern Jefferson County on the Olympic Peninsula of Washington State, is of great cultural and spiritual significance to the Tribes in the region, and also holds special significance for the local non-Indian community. As a geological formation, the estimated age of the Rock is 43 million years. More importantly, the oral history associated with the Rock among the local Tribes includes the era of the mastodons (extinct for 8,000 years), when it was used as a perch by Tribal hunters and a story of a great flood (assumed to be a tsunami from around 3,000 years ago) when people tied themselves to the Rock to avoid being swept away.

In 1976, the Rock was listed in the Washington Heritage Register as having significant archaeological interest. The Tribes and local community have been working for more than 10 years to try to protect the Rock from development. In February 2005, the Jamestown S'Klallam Tribe, acting on behalf of all the S'Klallam Tribes, obtained loans to purchase a 20 acre parcel and a group of platted properties totaling 66.32 acres (if dedicated roads are vacated, the acreage is closer to 100 acres for the platted properties). This property was in imminent threat of development in the vicinity of the Rock. We are taking the lead to seek funds to purchase the land and the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

2. \$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management

Jamestown S'Klallam Tribe is one of four Tribes that signed the Point No Point Treaty with the U.S. government in 1855. The U.S. government formally recognized Jamestown in 1981. By then, the BIA was contracting with Tribes to provide fisheries management services. The Point No Point Treaty Council (PNPTC) was serving as the fisheries management agency for the other Klallam and Skokomish Tribes. Rather than redistribute the funding pie, Jamestown received a smaller portion for fisheries management in relation to the other three Tribes. Even with self-governance, the BIA continues to distribute contracted funds based on funding history, thus Jamestown receives a significantly smaller portion of the PNPTC base funding than the other three Tribes. The Jamestown S'Klallam Tribe is nonetheless required to meet the basic fisheries and wildlife management responsibilities of US v Washington including planning, negotiation, regulation, technical expertise and enforcement. *The \$200,000 increase to our FY2012 Self-Governance base is needed to implement these essential treaty fish and wildlife management services.*

National Requests and Priorities:**BIA REQUESTS**

The President has committed to support and advance tribal Self-Determination and Self-Governance for the Nation's 567 federally-recognized Tribes. Consistent with that commitment, the FY2012 budget should include the following critical increases:

1. **TPA General Increase - Provide \$82.9 million (10% increase over FY2010) for General Increase to BIA Tribal Priority Allocation for Inflationary and Fixed Costs**

TPA is one of the most important funding areas for Tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6% per year. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for Tribes to exercise their powers of Self-Determination and Self-Governance.

2. **Contract Support Costs - Provide \$47.5 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund**

Excluding the President's requested increase of \$21.5 million for CSC for FY 2011, the BIA projected a CSC shortfall of \$47.5 million. The BIA did not make projections for FY 2012 or FY 2013, but the projected shortfall would go up based upon inflation and new contracting. Additionally, \$5 million is needed annually for administrative costs for new and expanded programs (Indian Self-Determination [ISD] Fund). When CSC is not fully funded, Tribes are forced to utilize limited direct program services dollars or Tribal resources to cover these shortfalls. Further, contract support costs directly funds jobs-- and those jobs directly enhance services for education, law enforcement and other essential governmental services across Indian Country. We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.

3. **Indian Loan Guarantee Program - Restoration and increase funding**

Part of the rationale to cut back this program is that the program could be duplicating other services, such as SBA loan programs. This assumption is wrong and will undermine the Tribes economic development efforts. This important program has resulted in a very positive impact for Indian country. The default rate is low and key in assisting Tribes with economic development and providing additional jobs to Indian country. We respectfully urge the Subcommittee to preserve this program at minimum to the FY 2010 level of \$8.1 million.

4. **Surety Bonding - Establishment and funding of a Surety Bonding Program**

There long been a need for a Surety Bonding program for Indian Country. The traditional bonding industry-- uncomfortable and unfamiliar with sovereign Tribes -- require excessive waivers of sovereign immunity to issue surety bonds for our companies requiring these bonds. This industry impediment clearly suppresses our business opportunities.

IHS REQUESTS

Our Tribe strongly encourages the following:

1. **Hold Harmless** -- Hold Indian health programs harmless and protect prior year and proposed FY11 and FY12 increases from budget roll-backs, freezes and rescissions. We have been encouraged by the increased investments made in Indian health in Fiscal Years 2008, 2009 and 2010 and greatly appreciate President Obama's proposed increases for FY 2011 and 2012. However, we are equally concerned that efforts by Congress and the Administration to reduce the overall size of the federal budget may jeopardize the recent progress to address severe and chronic health and funding disparities in Indian country as well as our ability to effectively implement the Indian Health Care Improvement Act and the Affordable Care Act.

2. **Current Services - Exempt Tribes from federal pay freeze and use appropriate inflation rates**

Not only Commissioner Corps Officers, but all Tribal and Federal IHS employees should be exempted from any federal employee pay freeze that may be imposed in FY 2011, 2012 or 2013. The rates of inflation applied to Hospitals & Clinics, Dental Health, Mental Health and Contract Health Services in developing the IHS budget should correspond to the appropriate components in the CPI, and that there should be parity in the calculation of inflation among HHS operating divisions.

3. **Contract Health Services (CHS) - Provide \$230 million Increase for CHS and CHEF**

Tribes have recommended that an increase of \$200 million is needed for CHS funding plus an additional \$30 million for Catastrophic Health Emergency Fund (CHEF), for a total of \$1.17 billion. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. This level will allow those Tribes who are not served by an IHS Hospital to provide health care services at the same level as those Tribes who are served by an IHS Hospital.

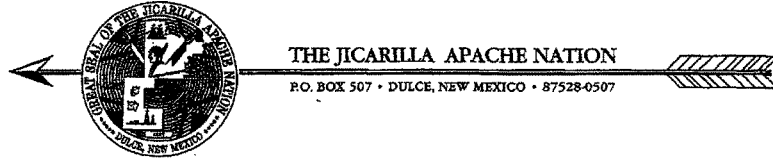
4. **Contract Support Costs (CSC) - Provide \$153 million for IHS to Fully fund CSC, Including Direct CSC**

This year's FY 2012 request of a \$63.3 million increase for Contract Support Costs (CSC) continues a sad chapter of neglect for Indian Self-Determination. For FY2012, the estimated shortfall is \$153 million.

5. **Office of Tribal Self-Governance - Increase \$5 million to the IHS Office of Tribal Self-Governance**

In 2003, Congress reduced funding for this office by \$4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2011, there are 331 Self-Governance (SG) Tribes managing approximately \$1.5 billion in funding. This represents 59% of all federally-recognized Tribes and 33% of the overall IHS funding.

In closing, we thank you for the opportunity to provide this written testimony on the budget priorities of the Jamestown S'Klallam Tribe.



Name Levi Pesata
 Title: President
 Organization: Jicarilla Apache Nation

24 March 2011

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives
 B-308 Rayburn House Office Building
 Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

On behalf of the Jicarilla Apache Nation, I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. Jicarilla Apache Nation has been a participant in the San Juan River Basin Recovery Implementation Program since its inception in 1992 and the Nation wants to stress that the continuation of the Program is of the utmost importance to the Nation and for the economic viability of the region. Therefore, I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.



The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,



Levi Pesata
President
Jicarilla Apache Nation
Phone-575-759-4206
Fax- 5750759-4487
Email: dannvicenti@yahoo.com

Betty Madden, MS
Co-founder
Keep Valley Forge Safe

March 26, 2011

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

RE: Appropriation for National Park Service Deer Management Plan Valley Forge National Historical Park.
Balance of Plan: 3 million dollars of which \$150,000 is requested for 2012 under the President's budget.

Gentlemen:

The National Park Service (NPS) has been allowed to proceed with its Deer Management Plan at Valley Forge despite its failure to conduct a reliable study to determine the exact deer population in the Park. Their last count in the Fall of 2008 concluded there were 350 deer. Six months later, in the Spring of 2009, they saw approximately twice that number. NPS has never been required to use infrared, aerial photography of the Park to establish a true count.

The data the Park acquired from these two counts casts further doubt on whether there is an overpopulation problem which requires human intervention. The Fall Spotlighting method which was conducted in 2008 showed a reduction of 200 deer in three years. The Spring Compartment count conducted in 2009 counted 400 fewer deer than the same time the year before. These reductions are not surprising to wildlife biologists who know wild animals control their own population based on available shelter and food.

If there is an overpopulation of deer in the Park why did Park officials tell the Humane Society of the United States (HSUS) in 2002 they had no plans to manage the deer herd. That year HSUS offered to establish a research project to examine the effects of fertility control on the herd. Appropriations for this dangerous Plan which permits sharpshooters to be as close as 300 feet from roads has been approved based on faulty evidence of a problem.

In addition to building their case for a deer cull on faulty research Park officials chose a Plan which is dangerous to the public. Valley Forge National Historical Park is situated in a metropolitan area just minutes from a major commercial center, the King of Prussia Mall. There are two major roads which run through the Park...Rt 42 and Rt 23. Although both experience high volumes of traffic, Rt 422 is a four-lane state highway. Tens of thousands of commuters use this highway day and night. There are no barriers to prevent deer from entering either roadway.

Both Erie Insurance Company and PennDOT found shooting at deer causes deer vehicle collisions (DVCs). The Park admits their plan would increase DVCs (see Final/EIS, pg 4-89 of the Plan). Hundreds of people die and tens of thousands are injured every year in these crashes. Park officials chose a plan which shows a blatant disregard for human life in pursuit of their experiment to "support the restoration of native vegetation".

Eyewitnesses report scores of dying and dead deer littered Rt. 422 after sharpshooting began. The Park plans to continue this practice for at least four and as many as fifteen years thereby putting motorists in danger of being killed or seriously injured well into the future.

Many visitors to Valley Forge enjoyed seeing the deer. Besides the zoo, where else can anyone get within three feet of a wild animal. The Park's goal was to kill 500 deer between November 2010 and March 2011. Kristina Heister, the Plan's manager, reported in a recent article that they have "exceeded" their expectations. I'm not surprised...killing these tame animals was similar to a canned hunt which even hunters oppose as unsportsmanlike. On my last visit to the Park on March 18, I saw only a single deer. Because Park officials did not know the size of the herd, maybe the Park has killed them all.

Ninety percent of the residents we surveyed at random are opposed to the Plan. Many feel it is dangerous; some oppose the wholesale slaughter of friendly animals, and everyone feel it is a waste of taxpayer dollars. The vast majority of visitors to the Park also oppose the cull.

The Plan's chief supporter in Congress was Joe Sestak. He pushed through the appropriation for the Plan. Congressman David Obey also helped NPS...he gave them hundreds of millions of dollars in the 2009 Stimulus Bill. His son is director of Public Affairs for the organization. Now that Congressman Sestak is gone no one is pressuring Congressmen to continue funding the Plan. We urge them to take a hard look at the many reasons to oppose it including its price tag. There are real needs which could be alleviated with 3 million dollars...some are right here.

Forty percent of the children in U.S. Congressional District 1 (Philadelphia) live in poverty. Lack of nutrition is preventing their brains from developing normally. The millions of dollars earmarked for an experiment to grow trees at Valley Forge could be better used for tens of thousands of children in desperate need in this area. Unless they get help they will fail in school; never acquire the skills for gainful employment, and in many cases turn to crime. As City Councilwoman Marie Q. Sanchez said we "should be outraged".

There are millions of children in the United States just like those in Philadelphia. In light of this compelling need, our organization which speaks for thousands of Americans is asking your Committee to deny funding for the balance of this Plan which has already cost the American taxpayer \$250,000. The balance, i.e., \$2,750,000 should be used to create jobs and alleviate hunger in our region and the nation. Remaining requests for appropriations to support this experiment to restore native vegetation at VFNHP in future Appropriations bills should also be denied.

Respectfully submitted,
 Betty Madden, MS
 Keep Valley Forge Safe
www.keepvalleyforagesafe.org

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TESTIMONY

Before the House Appropriations Subcommittee on Interior, Environment and Related
Agencies concerning Fiscal Year 2012 Appropriations
March 29, 2011

Mr. Chairman and Members of the Subcommittee:

Thank you for accepting my testimony relating to the U.S. Fish and Wildlife Service and our National Wildlife Refuges and the need for the necessary funding.

I ask you to please **consider funding the National Wildlife Refuge System (NWRS) Operations and Maintenance accounts at \$511 million in FY 2012 and maintain funding for key NWRS accounts including fire and construction.**

Having lived on Sanibel island for the past ten years and operating a small construction company, I see the direct benefits of a wildlife refuge on our local economy. Refuges bring in tourism, but they also bring residents and volunteers to the community who believe in and support the conservation efforts of a refuge and ultimately make the community even stronger. I am also a fisherman and a true proponent of protecting and preserving our wildlife and lands, having seen first hand the devastation of pollution; negative water quality, invasive plants and species taking over the land and waters. It is a very delicate balance in keeping our wildlife safe. Our refuge system needs the support of congress to help them keep this balance intact.

If funding were to be brought back to fiscal year '08 levels, a number of programs and refuge staff would have to be eliminated. They estimate that with a lower benchmark for funding, our refuge could face the elimination of three positions, making it even more difficult to protect the nearly 8,000 acres within this refuge. Educational programs, research projects etc. would be some of the areas cut. With more than 800,000 annual visitors from around the world this refuge and the surrounding community would be hard hit if the funding were to fall back to '08 levels.

Our Refuge has a number of endangered and threatened species and I also **urge you to appropriate \$95 million for FY2012 for the State Wildlife Grants program**, which is so important to keep common species healthy and restore declining species before they become endangered. Each year, I hate to read the statistics of additional wildlife species becoming threatened and this funding will help to keep that from happening.

With nearly 240 different species of birds living and visiting the J.N. "Ding" Darling National Wildlife Refuge, **I also urge you to allocate \$50 million in FY 2012 for the North American Wetlands Conservation Act (NAWCA).** This will do so many things to help in the ability to restore habitat and improve water quality which is so essential to the protection and preservation of our wildlife, in addition to having the ability to acquire and restore critical wetlands.

Lastly, and equally important, I ask you to fully fund the Land and Water Conservation Fund (LWCF) at \$900 million and to urge you to pass legislation to permanently fund the LWCF. This is vital to helping the system acquire sensitive land in establishing key wildlife corridors and connections between protected areas.

In conclusion, I believe that the only way the National Wildlife Refuge System can meet its important conservation objectives is with strong and consistent funding. Please support:

1. Funding for the NWRS to Operations and Maintenance accounts at \$511 million in FY 2012 and maintain funding for key accounts including fire and construction.
2. Provide \$900 million for LWCF funding for land acquisition and consider passing legislation to permanently fund the LWCF.
3. Appropriate \$95 million to the State Wildlife Grants program
4. Allocate \$50 million to fund the National American Wetlands Conservation Act.

The challenges of pollution, invasive species, habitat fragmentation and climate change continue and support of our refuges is more important than ever.

I realize this is a very difficult time for our elected officials and appreciate all you are doing to protect our wildlife and wild places. Please continue your support of our National Wildlife Refuge System and surrounding landscapes. Thank you.

Kevin Vertesch

League of American Orchestras

Testimony in Support of FY2012 Funding for the National Endowment for the Arts Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee

**Jesse Rosen
President and CEO
League of American Orchestras
March 28, 2011**

The League of American Orchestras urges the subcommittee to approve Fiscal Year 2012 funding for the National Endowment for the Arts (NEA) at a level of \$167.5 million. We urge Congress to continue supporting the important work of this agency, which broadens public access to the arts, nurtures cultural diversity, spurs the creation of new artistic works, and fosters a sense of cultural and historic pride, all while supporting countless jobs in communities nationwide.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of nearly 900 orchestras across North America runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles. The only national organization dedicated solely to the orchestral experience, the League is a nexus of knowledge and innovation, advocacy, and leadership advancement for managers, musicians, volunteers, and boards. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers, board members, volunteers, and business partners.

Federal arts support has a compelling exponential impact: the intense competition for federal dollars means that the awarding of an NEA grant greatly enhances and strengthens an orchestra's application for funding from other sources. Furthermore, an NEA grant serves as an emblem of public value and national artistic significance, and communities large and small partake in the distinction of presenting nationally recognized NEA-supported programs. In Fiscal Year 2010, the NEA's Grants to Organizations included 119 grants to orchestras, and continued funding for the agency will support its ability to serve the American public. The Endowment promotes creation, engagement, and learning in the arts through *Arts Works*, the major support category

for organizations that includes the *Access to Artistic Excellence*, *Learning in the Arts for Children and Youth*, and *Challenge America: Reaching Every Community* grant programs—as well as through vital Federal/State partnerships.

The presence of orchestras is often an indicator of a community's economic and cultural strength. In fact, investing in the arts has a demonstrated impact in helping to reverse economic decline. In addition to fueling local economies, attracting new business development, and educating young people, music unites people and cultures in good times and bad. The League is committed to help orchestras by bringing new knowledge and perspectives concerning the shifting priorities in our communities to our members. Likewise, the NEA plays an incredibly valuable leadership role through its direct grants to organizations, strategic initiatives, and ongoing national research illuminating trends in public participation and workforce development.

NEA Grants Help Orchestras Educate and Encourage America's Youth

The **Boise Philharmonic**, a 70-member professional orchestra with an administrative staff of 9 employees, is Idaho's largest and oldest performing arts organization. The orchestra maintains a vast array of educational programs, including classes for young children, a Family Concert series, annual *Children's Concerts* with full symphony orchestra performing for 15,000 school children in 9 free performances, *Musicians in the Schools*, *Ensembles in the Schools*, *Conductor in the Schools* and the *Joker Eagle Schools* music project. In FY10 the Boise Philharmonic received NEA support for *Classic Collaborations*, a series of concerts accompanied by related educational activities. Each concert in the series integrated symphonic music with vocal music, theater, or dance along with participating area opera, theater, and dance companies, embodying the collective strength of arts disciplines coming together.

The **New World Symphony**, a 23-year old orchestral academy whose 750 graduates now perform in over 176 orchestras across the country, is also committed to serving America's youth. In addition to connecting musicians and artists around the globe, the orchestra provides instruction and mentoring to schools by making its performances available to school systems across South Florida. The *Musician Professional Development Program* receives NEA support to offer performances, coaching, and community outreach activities as a means to prepare more than 80 gifted young musicians each year for musical leadership positions in the orchestral field. Thanks in part to federal funding, these young musicians have the opportunity to experience music at multiple levels of engagement and enjoy the advantages of highly trained coaches to develop their own professional careers in music.

NEA Funding Leads to Increased Public Access to Culturally Diverse Art

The NEA, together with the organizations that it helps support, is committed to improving public access to the arts. With grants reaching every Congressional district in the country, the NEA helps orchestras connect to their community, but perhaps even

more important, the experience of live music serves as a conduit for disparate communities to connect with each other. The **Pacific Symphony**, employing 88 part-time musicians and 44 full-time staff, formed a partnership with an Indian cultural center in Irvine, California to present numerous traditional Indian performances to rapt audiences. With financial assistance from the NEA, many listeners had the unique opportunity to experience a new musical form and enjoy the cultural richness of their own community for the first time. Additionally, the multicultural performances broadened the make-up of the concert audience as well.

Federal support often helps grantees extend the reach of their activities beyond their immediate home cities and towns, bringing unique musical experiences to communities that would otherwise not be able to enjoy them. The **Bremerton Symphony Orchestra** employs 11 full-time and part-time staff, and with the help of 120 volunteer orchestra and chorale members, it will present an "Inspiring Virtuosity" concert with violinist Marié Rossano. In addition to the concert itself, the orchestra's NEA grant will help make the concert accessible to the Hispanic and Tribal populations of the Kitsap Peninsula as well as low income families of Bremerton. The orchestra conductor will meet each of the groups to personally invite members of Kitsap County public to the concert. The NEA support is underwriting tickets to make this possible. NEA grants are undoubtedly a vital part of the support system that enables orchestras to showcase our society's rich array of cultures and to engage and connect with the diverse audiences around them.

NEA Support Fosters National Pride and Remembrance

In addition to widening access to the diverse cultural heritage of our country, NEA grants provide a stirring way for orchestras to aid in the remembrance and honoring of key moments in our American history. To commemorate the 10th anniversary of September 11th, the **New York Philharmonic** commissioned a new work, "One Sweet Morning," by American composer John Corigliano. The orchestra, which employs 192 full-time and 353 part-time or seasonal staff, along with 190 volunteers, will use its NEA grant in the presentation of this poignant artistic perspective on the years following September 11, 2001, which will incorporate texts on war and peace by American lyricist E.Y. "Yip" Harburg, Lithuanian-American poet Czeslaw Milosz, the Ancient Greek poet Homer, and Tang Dynasty poet Li Po.

The **National Symphony Orchestra**, numbering 100 musicians and 19 administrative employees, likewise commemorated another important event in American history – the 50th anniversary of President John F. Kennedy's 1961 inauguration. The historic concert was performed earlier this year at Constitution Hall in tribute to a leader who believed that the arts can help shape the national character and bring understanding between nations. The celebration included the commissioned piece, *Remembering JFK (An American Elegy)* by Peter Lieberson, which incorporated text from President Kennedy's speeches and writings.

The city of Birmingham pays homage to another important figure in American history in *Reflect and Rejoice: A Community Tribute to Dr. Martin Luther King, Jr.*, an annual remembrance of the progress that has taken place since Dr. King's "Letter from a Birmingham Jail," written in 1963. A consortium grant from the NEA supports this musical and artistic collaboration between partners such as the Birmingham Civil Rights Institute, local choirs, and the **Alabama Symphony Orchestra**, which employs an administrative staff of 20 full-time and 2 part-time employees, a full-time core orchestra of 54 musicians, and 4 conductors. In conjunction with the tribute, the orchestra holds a poetry contest every year in which students submit poems inspired by orchestral work from the *Reflect & Rejoice* concert. Appreciating our history is crucial for current and future generations, and the NEA is a valued partner in creating impactful, engaging, and memorable ways such as these to honor our past.

NEA Funding Encourages New Works and Programming

NEA grants to orchestras help support the creative capacity of American musicians and composers. A grant from the NEA will support the *Living Composers Project*, produced by **The Saint Paul Chamber Orchestra**, whose 35 musicians and 33 full-time and 15 part-time administrative staff share a commitment to stimulate and challenge audiences by including recent and newly commissioned works as part of its regular programming. The project will encompass more than 20 performances and world premieres throughout the Twin Cities metro area. Composers will be invited to attend performances of their commissioned pieces and participate in open rehearsals and pre- and post-concert discussions to help introduce audiences to contemporary chamber orchestra music in thoughtful and engaging ways.

With 10 full-time staff and approximately 70 part-time musicians, the long-term support of the NEA has been essential to the **Albany Symphony Orchestra** in keeping living American composers at the center of its mission. This year, an NEA grant will help in the production of the orchestra's *American Music Festival*, which nurtures and supports the work of living composers like Joan Tower, Zhou Long, and Michael Daugherty. Festivals such as this one are essential to assuring that orchestral music remains a part of the American cultural experience and that opportunities can be presented to composers to have their works shared at the highest artistic level.

NEA grants uniquely encourage orchestras to cultivate innovation, ensure that music continues to flourish within our cultural landscape, and help make it possible for audiences of all sizes to access it from every part of the country. Thank you for this opportunity to express the value of NEA support for orchestras and communities across the nation. The Endowment's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving \$167.5 million in funding for the National Endowment for the Arts.



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Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
On the FY 2012 Budget
April 12-13, 2011

Testimony of the Honorable Larry Romanelli
Ogema, Little River Band of Ottawa Indians

My name is Larry Romanelli. I am the elected Ogema of the Little River Band of Ottawa Indians situated in Michigan. Our Tribe is organized under the Indian Reorganization Act of 1934 and is comprised of over 4,000 tribal citizens. I offer this testimony in support of fully funding the United States' legal obligation to pay contract support costs to Tribes like the Little River Band that have contracted or compacted with the United States to operate federal IHS and BIA programs. To meet that legal obligation, the IHS appropriation for contract support costs should be increased to \$615 million, and the BIA appropriation for contract support costs should be increased to \$228 million.

The Little River Band operates a self-governance compact with IHS. Under our compact we administer a clinic that includes a family physician, a registered nurse and a laboratory. We also employ community health representatives (CHRs), nurses and diabetic specialists who make home visits across a nine-county area. We provide out-patient substance abuse treatment services, as well as prevention initiatives, along with additional mental health services. And for care that goes beyond our in-house capacity, we administer an elaborate contract health services (CHS) program under which we collaborate with local private providers. Our compact totals over \$1.5 million annually, and in direct care delivery we employ 38 people in several disciplines and service focuses.

We fully honor our compact with IHS. We have excellent independent audits. We also provide far better care than IHS would ever be able to provide if IHS were in direct control of these services. Our tribal management is smarter, more dedicated, and better able to match local services to the needs of our patients and our community. We combine an efficiency and effectiveness that IHS could never match. We are very proud of what we have been able to achieve in carrying out the essential governmental function of health care pursuant to our contracts and now our compact.

But IHS has not honored its bargain with us.

Specifically, IHS has failed to pay us the contract support costs that IHS, itself, calculates that we have been owed. Every year IHS issues a contract support cost shortfall report, detailing the amounts by which IHS underfunds our contract. It is a truly stunning admission of the agency's breach of our rights.

According to IHS's data, in FY 2010 IHS underpaid the Band by \$386,022. For us, \$386,022 is six nursing positions. It is six substance abuse counselors in our understaffed behavioral health department. It purchases six years' worth of vaccine and medical supplies necessary to operate our clinic. It is equivalent to nine full-time billing specialists to assist us in collecting third-party revenues.

The IHS contract support cost shortfall report only tells part of the story, for IHS is funding us at only 33% of our actual expenditures for health care. Yet, even with the additional contribution the Tribe makes each year, we are spending less per person than is spent on the average federal employee health plan beneficiary. I cannot think of a single contractor we work with that would provide service to us for one-third of the actual costs to do the work.

The shortfall we have faced year after year must finally be closed. Once closed, the funds will be used to enhance health care services through increased employment, because at the Band we currently leave positions vacant to make up for the shortfall in IHS covering our fixed costs. Just last year, when our shortfall was reduced by just \$290,000, the Band was able to fill six positions, including a physician's assistant, a nurse, a medical assistant, a clinical applications coordinator, a billing office coordinator, and a benefits coordinator. Plainly the CSC shortfall is costing us jobs and, just as plainly, reducing that shortfall will help restore those jobs.

The same is true with our BIA contract. The BIA's data shows that last year we were underpaid \$273,532, representing five lost positions in a contract devoted to public safety, family services, education, governance and natural resources. Eliminating that deficit would enable us to expand education and training programs to prepare our students for the types of jobs that are currently in demand and will be on the cutting edge of the Nation's future: information technologies, alternative energy development and, of course, skilled tradesmen for infrastructure development. We could set up 'friend of the court' and child support enforcement agencies to ensure that dependent children are supported appropriately and have their needs met in their best interest and in a proper cultural setting. We could expand our economic development through diversification of enterprise ventures that could meet the needs of the current economic recovery.

In short, eliminating the shortfall would help us to leverage permanent employment positions in many of the areas I have mentioned, providing the people of my Band economic stability and employment security in a populace that critically needs help to attain the standard of living most of America enjoys. But the BIA and IHS first have to be furnished sufficient funds to pay all of its contracts in full. The CSC shortfalls must be stopped.

But pulling together does not mean dishonoring the contracts we make. Our Tribe would never break a contract we made, and the federal government has no excuse for breaking its contracts with our Tribe—all the more so given the tragic history our Tribe has already suffered as a result of hostile government policies.

So, I come here today to ask that Congress direct the IHS and the BIA to finally honor their contracts with our Tribe, and their contracts with all other Tribes, by fully paying the contract support costs to which we are entitled, and by adding the necessary appropriations to finally get these sums paid.

Thank you for the opportunity to testify today on these critical issues.

**Testimony of Carole Haas, Executive Director
Maine Appalachian Trail Land Trust
In Support of the Forest Legacy Program
High Peaks Conservation Project
Crocker Mountain and Orbeton Stream, Maine
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

April 1, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Forest Legacy Program in the FY 2012 Interior Appropriations Bill. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected over 2 million acres in 43 states and territories, consistently with a 50% non-federal cost share, double the required 25% cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

The Appalachian Trail (A.T.) travels 281 miles across Maine from the summit of Mount Katahdin southwesterly to the Maine-New Hampshire border. The Maine Appalachian Trail Land Trust was formed in 2002 for the purpose of identifying lands along the A.T. that have high natural resource and recreational value, then working with willing landowners to explore ways that the landowner, communities, and recreationists would benefit from state ownership of land parcels or easements. This State of Maine application for Forest Legacy funding is the result of those efforts.

In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that \$900 million, the President requested \$135 million for the Forest Legacy Program (FLP).

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in FY 2012, the U.S. Forest Service included \$1.73 million for the High Peaks – Orbeton Stream project in Maine in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for FLP so that this important project can receive this needed funding.

With over 15 million acres of forestland, Maine remains one of the nation's most heavily forested states. The white pine, spruce fir, and northern hardwoods that characterize the Maine woods are a critical component in two of Maine's largest industries—forestry and tourism. They provide incredible recreational opportunities for the state's residents and many visitors, including hiking, hunting, snowmobiling, fishing, camping, boating, and numerous other activities. This landscape also sustains valuable fish and wildlife habitat for many different animal species.

One of the greatest challenges facing Maine's forests is the fragmentation of ownership and the conversion of lands to nonforest uses. With most of Maine's woods being privately owned, the state of Maine and its nonprofit partners have been working to protect critical areas using a combination of federal, state, local, and private funding to purchase targeted fee lands and large-scale conservation easements. The State of Maine was one of the original five states to join the Forest Legacy Program when it was created in 1990 and has greatly benefitted from the matching federal funds that has to date resulted in the conservation of almost 675,000 acres of forestlands. These forestlands now provide permanent protection of valuable natural resources, public access to renowned recreation lands, and continued harvesting of timber resources in a sustainable fashion.

Continuing its focus on protecting strategically important recreation lands, the state of Maine has proposed the 17,000 acre High Peaks Conservation Project (Crocker Mountain and Orbeton Stream) for Forest Legacy Program funding in FY 2012. The High Peaks Conservation Project will protect two key tracts that are part of a 71,000-acre network of conserved lands in Franklin County that includes the Bigelow Preserve, the Redington Navy Base, the Mount Abraham Reserve, and the National Park Service Appalachian Trail corridor. The Appalachian Trail bisects the Crocker Mountain parcel for approximately 10 miles and is within the viewshed of the northern portion of the Orbeton Stream parcel. Protecting these two tracts will preserve both motorized and nonmotorized trail networks in the region and enhance the Rangeley/High Peaks area as a tourist destination. Over 75 percent of the acreage conserved will stay in working forest status and continue to provide a source of raw materials for the forestry, logging, wood products, paper, and furniture manufacturing industries in Franklin County.

Crocker Mountain

The Crocker Mountain tract holds exceptional economic, natural resource, and recreational value for the state of Maine. At almost 11,800 acres, it is the largest remaining working forest in the Town of Carrabasset Valley. Given that Franklin County has the highest percentage of workers in the forest products industry in Maine, continuing

to operate roughly 60 percent of the property as working forest will help keep the region's forestry workers employed.

The Crocker Mountain property contains three of the 14 highest peaks in Maine and is part of the state's largest subalpine forest. Climate models predict that this high mountain area will be one of the few places in the Northeast to retain consistent snowpack, cold temperatures, and spruce fir forests that are needed for species like Eastern brook trout, lynx, marten, and snowshoe hare. The property also contains 25 percent of the global population of the state-listed endangered Roaring Brook mayfly. This insect is only found at 12 locations in the world and three of the locations are on the Crocker Mountain property.

The property buffers a spectacular ten-mile section of the Appalachian Trail. In addition, it includes approximately three miles on snowmobile Route 115 of Maine's Interconnected Trail System (ITS) and four miles of the state-sanctioned ATV trail system that serve as important links in the state's network of motorized trails. Protection of the property will guarantee access for nonmotorized recreation as well, including hunting, hiking, mountain biking, and cross county skiing.

This project represents an important opportunity to protect significant ecological resources, preserve jobs in Maine's forest products industry, and promote outdoor recreation in the region. The State of Maine will pursue sustainable timber harvesting on the property, which will maintain local jobs and provide a revenue stream for the Bureau of Parks and Lands. Located only a stone's throw away from Sugarloaf Ski Resort—Maine's most popular ski area—Crocker Mountain is prime real estate for second home residential development. If a conservation sale is not successful, the landowner, a real estate investment trust, will pursue a development strategy.

The High Peaks Conservation Project represents another outstanding model for a successful federal/state/private partnership that will keep forests as forests for public benefit and maintain their value as a source of timber to fuel the state's economy. Without immediate protection, the Crocker Mountain parcel faces a serious threat of development. In FY 2012, the Maine Bureau of Parks and Lands is requesting an allocation from the Forest Legacy Program of \$7 million to acquire the 11,798-acre Crocker Mountain parcel in fee.

Orbeton Stream

The Orbeton Stream property is owned and managed for timber by a small local family timber company that uses the fiber to supply its mill, directly supporting the company's forty employees. The company also supplies fiber to all of the major mills located throughout Franklin County. Protecting this 5,808-acre property from subdivision and development through the purchase of a conservation easement will help keep Maine's forests working and will ensure access for recreation, including backwoods fishing for native wild brook trout, and hiking, paddling, and hunting.

The property is in the primary foreground viewshed of the Appalachian Trail and maintaining its undeveloped state is integral to preserving the scenic characteristics of this section of the trail. The property has been identified as a priority for conservation by the state wildlife action plan and other conservation planning efforts. The Orbeton property also includes a critical 6.4-mile section of snowmobile Route 84 of Maine's ITS system.

The entire Orbeton Stream parcel has been designated by NOAA as critical habitat for the federally listed Atlantic salmon. In 2007, as a result of significant restoration efforts by the Maine Department of Marine Resources, salmon reared in the Orbeton watershed returned from the North Atlantic Ocean for the first time in over 150 years. The Eastern Brook Trout Joint Venture has identified this property as one of its highest priorities for protection. Conserving the Orbeton Stream property will ensure a continued source of sustainably managed and certified forest products and protect a strategically important parcel for outdoor recreation. This property is at great risk of development and without income from the sale of a conservation easement, the landowner will have few other options but to subdivide the property.

The High Peaks Conservation Project represents another outstanding model for a successful federal/state/private partnership that will keep forests as forests for public benefit and maintain their value as a source of timber to fuel the state's economy. Without immediate protection, the Crocker Mountain parcel faces a serious threat of development. In FY 2012, the Maine Bureau of Parks and Lands is requesting an allocation from the Forest Legacy Program of \$1.73 million to purchase a conservation easement on the 5,808-acre Orbeton Stream parcel.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Maine, and I appreciate your consideration of this funding request.

Carole Haas, Executive Director
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MANDAN, HIDATSA & ARIKARA NATION

*Three Affiliated Tribes * Fort Berthold Indian Reservation*
404 Frontage Road * New Town, North Dakota 58763-9402

Mr. Tex G. Hall, Tribal Chairman
Mandan, Hidatsa & Arikara Nation

Thank you for your commitment to Indian Country, your support of the federal trust relationship for tribal sovereignty, gives us faith that you will follow through on our requests as provided. My Tribes' healthy living and access to quality health care that most people take for granted still lies out of reach for most tribal members. Over 60 years ago, the United States forced us to give up our best lands, including our capital, which were then flooded after the construction of the Garrison Dam on the Missouri River. Although we were promised a replacement hospital, our people are still waiting. Construction has begun on a health clinic, but our health needs are far greater than just the clinic can provide. We ask for your help in restoring funding cuts, for construction of medical staff housing and additional full time employees to provide medical service for the health facility once it is completed. Doors will not be able to open without the appropriate staffing pattern, which we will be unable to hire as we do not have available to us the funding for adequate housing to retain the staff.

My staff has researched for cost that would not be an extravagant amount, but only for basic costs that will open the health facility doors with the afforded funding from governmental resources. Based on our unmet needs to accomplish the completion of the facility we are estimating a \$32,700,000.00 request to start the construction in housing quarters from Indian Health Service. This figure has been worked and researched on, since 2004 by our Tribal staff and Aberdeen Area Indian Health Service engineers as the following:

Phase I estimated costs:

- Site Development, including streets, grading, and utilities = \$2,000,000.
- Housing Units (50 single family @ \$250,000. each) = \$12,000,000.
- For a total estimated cost of phase I of about = \$14,500,000.

Phase II estimated costs:

- Site Development = \$1,700,000.
- Housing units (66 single family @ \$250,000. each) = \$16,000,000.
- For a total estimated cost of phase II of about = \$18,200,000.

Phase I and Phase II total = **\$32,700,000.**

As we are nearing the completion of a 24/7 Emergency Medical Service Healthcare Facility, the estimated opening of August, 2011. The estimated cost of \$18,000,000.00., for the facility construction is severely underfunded, if we were to include the living staffing quarters for the new facility. Our current eleven (11) existing government quarter units cannot supply us with housing to fulfill our attempts towards retention and recruitment of medical staffing. These

structures were built in the year of 1971, they have depreciated more over than once, in an honest statement, they are not what you call the best of recruitment and retention for medical staffing.

Additional Medical staff cost:

A project leadership team (PLT) consisting of staff from the Aberdeen Area Office, the Fort Berthold Service Unit and the Three Affiliated Tribes were tasked with developing the estimated costs for additional appropriate staffing and operating cost. The Health System Planning (HSP) and Resource Requirement Methodology (RRM) Indian Health Service approved planning tools were used to determine the scope of health services, facility size and the number of staff needed to operate the planned facility. Again, staff that would require IHS approval were added in several disciplines to support planned health services, to include 154 additional FTE's required to achieve 85% level of the RRM. The costs were estimated accordingly to using IHS' standard of method of salary and benefits cost to be the value of: \$8,300,000.00.

Transportation Roads:

We respectfully request increased funding for the Bureau of Indian Affairs' Road Maintenance Program to \$48,007,200.00, my Tribe is responsible for maintaining approximately 250 miles of BIA system roads on our Reservation. BIA system roads are outdated, unsafe, and crumbling in our communities and townships. On the Fort Berthold Reservation, the inadequate infrastructure is further impacted by the introduction of hundreds of oil tankers, trucks, and other heavy equipment on our roadways.

Oil development in North Dakota has become a major economic and employment opportunity for our Tribal members and the surrounding communities. North Dakota is quickly becoming a leader in the production of the nation's oil, which benefits our entire country in this time of rising oil prices and international uncertainty. As with most opportunities, however, if we do not take the time and spend the money to build safe and secure infrastructure to properly support this development, it can turn from a blessing to a curse for our people. I want to remind the Subcommittee that these are federal roads and must be properly maintained with federal dollars.

Our BIA road system has far exceeded its design life and is too fragile for heavy truck traffic. Until pipeline and other infrastructure is in place to move the oil, the current traffic rate of 2,500 trucks that travel the roads of the Reservation will triple, with the addition of 200-400 more oil wells predicted for the Reservation the next few years. The impact of this increased traffic is even more substantial when you take into consideration that it is made up of oil tankers and trucks that weigh more than 2500 tons. We are seeing an increase in traffic accidents and fatalities due to the increase in truck traffic on our roads.

Safe and adequate infrastructure is necessary for all communities dealing with this kind of traffic, but it is even more necessary in an area where the roads are so outdated and unsafe. Present day travel on our BIA routes can prove to be very hazardous and expensive. It costs hundreds of thousands of dollars each construction season to keep up with the repairs for all of our paved roads. The highway system is so old that the roadbed begins to deteriorate as soon as a patch job is completed. Our current list for road improvements and repair jobs far exceeds the

Tribes' annual funding of \$565,362.00 from the BIA Road Maintenance Program. While non-Tribal communities surrounding our Reservation may go to the state for roads funding to make their roads safer for this kind of commercial traffic, we cannot. Our trustee, the BIA will have to play this role.

Currently, five BIA routes, totaling about 56.2 miles, need to be completely reconstructed and to be repaved to withstand the heavy oil-filed traffic. The IRR Program budget does not have enough money to reconstruct even one of the routes. In FY-2010, we received only \$1.1 million under the Tribal Transportation Allocation Methodology for IRR program. According to the North Dakota transportation department, it costs approximately \$1 million to reconstruct one mile of highway. While the oil traffic is causing much of the damage to our roads, we have no current ability to charge them for their excessive wear and tear to our road system. The oil trucks are not the only vehicles to travel these roads. The road system is used by tribal members and non-tribal members, police vehicles, school buses, and emergency services. Underfunding road maintenance actually costs taxpayers millions of dollars as Tribes and the BIA must reconstruct roads at much higher cost then good preventative maintenance.

The point is simple – adequately funding and maintaining safe roads create s jobs, fosters economic development, and saves lives. Shortchanging road funding costs jobs, reduces tax revenues and risks the lives of those that travel through our Fort Berthold Reservation. Our prioritized road projects are:

Road segment: 0012 Heart Butte & Young Bear

Segment Length: 18.6 miles (s)

District/County: 3/McKenzie & Dunn

Estimated Cost: \$26,895,600.00

Road segment: 0006 North Segment

Segment Length: 9.7 mile (s)

District/County: 1/Mountrail County

Estimated Cost: \$14,026,200.00

Road segment: 0002 Northwest Farm

Segment Length: 4.9 mile (s)

District/County: 1/Mountrail County

Estimated Cost: \$7,085,400.00

Total: \$48,007,200.00

Dear Sirs

My name is Mike Dobesh; I farm 2100 acres of corn, in hall county Nebraska, and serve on the Central Platte Natural Resources District, board of directors, but I am testifying on behalf of myself, and feel ALL funding for the Platte River Recovery Program be taken from the Department of Interior, or the program dropped completely. When the Platte River Recovery Program was first being talked about in the papers, I knew from the start it was no good. I educated myself, by calling University of Nebraska professors, Nebraska game and Parks, and various other agencies that might shed some light on what was being forced on our state. What I have learned in my quest is that, quoting Jim Beers former U.S. Fish and Wildlife employee "it has nothing to do with endangered and threatened species, but rather power and control of the Platte River". As the former executive director of the Platte River Whooping Crane Trust told me, the whooping crane only needs 3 to 5 inches of water, and the USFWS won't tell me how they came up with the amount they they supposedly need for the river. The Army Corp of Engineers has reviewed the program and come up with various conclusions about the program. That the Platte River Basin is NOT essential habitat for the survival of the species. That actions to promote one species may indeed be detrimental to another endangered species. That numbers of the endangered and threatened species have been improving under the present program. That purge flows sent down the river to scour sand bars and remove unwanted vegetation will only work with over bank flooding, thus creating property damage. The program calls for massive cuts to irrigation, which will severely cut ag income, devalue property, reduce the tax base, reduce tax dollars for education, reduce state and federal income taxes, and eliminate jobs. The natural grass of Nebraska, primarily Large Blue Stem, which has about the same consumptive use of water as irrigated corn, yet the program calls for massive cuts in irrigation. In the vast majority of areas required for irrigation reduction, the water table is NOT in decline, in fact in most areas, is on the rise. The city of Grand Island has estimated it would cost 12 million dollars to dewater the city due to high water tables, causing water seepage into basements, yet we can't develop 1 more acre for irrigation. Our NRD district is going to pay a farmer to run his wells 3 to 4 months in the off season in the over appropriated area in our district to lower in water table so he can plant in the spring; the program is in favor of this as the water will raise the level in the river. But if the water table is that high, why are we reducing irrigation in that area? When I asked program officials on several occasions about them replicating the habitat on the river, to that it was in pre irrigation history. Their response was that they indeed they were NOT trying to replicate past habitat on the river, but to enhance it. So instead of the Platte River Recovery Program, it should have been called the Platte River Enhancement program. Recently Nebraska was named the irrigation capital of the country, only because the government took water from California's farmers, so they could enhance the habitat of a bait fish, equally ridiculous. In talking to those officials in various agencies

like USFWS, Nebraska Game and Parks, the Forest Service, and so on, they have absolutely no problem putting farmers and agri businessmen out of business, taking their water and basically kicking them to the curb, even though they broke no laws, provided for their families, supported other businesses, and help keep our economy in Nebraska strong. Those are the ones who should be kicked to the curb, that's why we need to completely defund the program, or better yet get rid of it all together! The only ones to benefit are all those who work for the program holding meetings and conducting studies, its job security, and power and control of the river pure and simple. Early on, I called Nebraska game and parks, and spoke to a gentleman whose specialty was non game birds. And asked the question, what would an ideal flow look like, so you would have enough water in the river for what you are trying to accomplish for the Least Turns, and Piping Plovers, but not have over that amount so not to waste water originally meant for irrigation? His statement was very telling, he said Mike that's a very good question, I have no idea! After attending one of the program meetings, held at our Natural Resource District's office, I asked one of the men from the program if the NRD districts were not able to reduce irrigation on their own and were faced with regulation that forced them out of business, would they personally be willing to go to that farmer, and tell him his irrigation rights were now gone, even though he had broken no laws or did anything wrong? He simply stated, no, that's your job! Another goal of the program is to acquire 10,000 acres for additional habitat. Even if those acres were marginal, that is still a hit on the Ag economy. Acres dried up don't only hurt the farmer, but those who sell seed, fertilizer, insecticide, herbicide, crop insurance, fuel, irrigation equipment, machinery dealerships, trucking, hired labor, parts stores, retaliators, banks, vehicle dealerships, grain elevators, cattle feeders, crop consultants, and so on. When land is dried up it isn't taxed the same so the devalued property will hurt schools, community colleges, counties, roads, anything that gets funding from property taxes. Taking all this into consideration, all this for something that the government FORCED on US, that according to the Army Corp of Engineers, a reputable entity, has determined that the Platte River basin is NOT critical habitat for the survival of the species, what are we doing this for?? If all they wanted to do was improve the habitat on the river by clearing trees and doing studies would be one thing, but to take irrigation from farmers unnecessarily is another. In the beginning the endangered species act was probably a good thing, but at this point it has become so perverted, and over reaching to the point that the species are more important humans, and to our way of life. Talk to anyone who is over 70 years old, and they will tell you that years ago there were no trees on the Platte River except on river islands, due to prairie fires and floods, and the river dried up on a regular basis. Now because of reservoirs that store water for irrigation, recreation, and flood control the river for the most part flows year round. Which has allowed trees and plants to survive, which also supports all sorts of wildlife, that before were not present. Farming practices have greatly improved since the dust bowl years,

and seed technology is improving at a break neck pace. Remember it was the farmer who turned the great American desert into the robust productive land that it is today that has also afforded us the economy we enjoy and greatly benefit from. And it's my understanding that agriculture has historically led the way to past economical recoveries. Our state and nation cannot afford to hamper agriculture that our state and country depend on for economic recovery at this time in our history. Wyoming and Colorado are also affected by this program, which greatly hamper agriculture in their states, but those states don't depend nearly as heavily on agriculture as Nebraska for their economy. Farmers are expected to feed the world and through ethanol production lessen our dependence on foreign oil yet the federal government is constantly putting roadblocks in our way from special interest groups, who forget where the bread, milk and meat come from. And at the height of their intelligence are trying to regulate dust in rural areas! Remember, common sense isn't common. The program has 3, 13 year increments, each with more massive cuts to irrigation than the first. The first year is bad enough, but increments 2 and 3 would totally destroy agriculture as we know it in Nebraska. In talking with those implementing the program, if they feel the other increments are needed they wouldn't hesitate for a second to do that. If a farmer buys a piece of land at an irrigated value on a 30 year note, then the federal government takes the water away and devaluates the land, who takes the hit? The farmer, the bank, or will the government step in and make up the short fall? The farmer is like the proverbial frog put in the water turned slowly up until he is cooked alive. Unneeded government regulation, a little at a time is forcing agriculture to be more prevalent in other countries. People who used to import from us are now our competition. It won't just be farmers hurt, but Agri-businesses, as well as non Ag business that depend on our money as well. We all depend on each other, just as the government forcing banks to issue bad loans on houses that caused the house of cards to fall in our economy, which ultimately hurt the economies in other countries. One in your neck of the woods might think with the high commodity prices that the farmer could afford to scale back and still be profitable, but the problem is when commodity prices go up, so do the price of our inputs. Seed corn we plant goes up, and since there are only a couple of large fertilizer manufacturers, (thanks to the government making it impossible for new ones to be built), those fertilizer companies raise their prices even if the cost to manufacture fertilizer hasn't went up, and we have no choice but to pay their inflated prices. Equipment prices go up, and so on, so we are not much better off at \$6.00, than \$4.00 for corn. Defunding the program will also mean the cost saving of unneeded jobs and endless studies that will accomplish very little in the way of helping our present economic situation, we as a country just can't afford to fund worthless endeavors while at the same time hurt Agri business, and devastate local economies. I'm not against any reasonable effort to maintain wildlife, but in case after case the federal government through the endangered species act has over reached, and put many people out

of business, hurt economies, put undue regulations in place that hamper economic growth, which translates into increased costs for construction, time delays and ultimately a entity (the federal government) that is self serving, bullying others around at the public's expense. By defunding this unneeded program, you will not only save the states of Nebraska, Colorado, and Wyoming millions of dollars, but tax payers across the country that have to foot the bill of this program, and reduce the federal deficit. Remember all of us who are elected are PUBLIC servants, not servants to an unneeded over reaching government program, that benefits no one but itself. Thank you for your consideration.

Mike Dobesh
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Wood River, Nebr 68883
Phone 308-390-0986

A list of contact name and numbers to verify the information that I have given you.

Jim Beers, former US Fish and Wildlife Service officer, Phone # 703-585-0211

Rodney Schwartz, former US Army Corp of Engineers employee, Phone # 402-483-1213

Duane Woodward, hydrologist employed at Central Platte Natural Resource District,
Phone # 308-385-6282

**Testimony of
Craig E. Sharpe, Executive Director,
Montana Wildlife Federation
In Support of the Forest Legacy Program
Stimson Forestland Conservation Project, Montana
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Forest Legacy Program in the FY 2012 Interior Appropriations Bill. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected over 2 million acres in 43 states and territories, consistently with a 50% non-federal cost share, double the required 25% cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that \$900 million, the President requested \$135 million for the Forest Legacy Program (FLP).

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in FY 2012, the U.S. Forest Service included \$6.5 million for the Stimson Forestland Conservation project in Montana in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for FLP so that this important project can receive this needed funding.

Montana's Forest Legacy Program is dedicated to maintaining working forests while conserving and enhancing natural and public values including land, water, wildlife,

and timber resources. The State of Montana has participated in the program since 1999 and has successfully protected over 173,350 acres of forestland through 15 projects across the state. This year, Montana has identified the Stimson Forestlands Conservation Project—lands that support remarkable public resources and face very real development and conversion pressures—as its top-ranked Forest Legacy project.

The Stimson Forestlands Conservation Project will permanently conserve approximately 28,000 acres of highly productive forestlands in the lower Kootenai River watershed of northwest Montana for wildlife and fisheries habitat protection, continued sustainable forest management activities, water quality protection, and public recreation. The project lands consist of various parcels stretching from the south end of Bull Lake, north through the Lake Creek drainage to the city of Troy, and then northwest along both sides of the Kootenai River all the way to the Idaho border. The parcels range in size from 70 to 7,200 acres, and share more than 70 miles of common boundary with adjoining National Forest System lands. The landowner, Stimson Lumber Company, has agreed to convey a conservation easement over the entire 28,000 acres to Montana Fish, Wildlife and Parks if timely funding for the purchase can be identified and secured.

The Stimson project area contains some of the best wildlife and fisheries habitat in Montana. The area supports a wide range of signature wildlife species including elk, mule deer, moose, gray wolf, black bear, bighorn sheep, mountain goat, fisher, and wolverine. It also serves as a core recovery area for the federally listed threatened Canada lynx and bull trout and an endangered population of grizzly bear. Grizzly bear populations south of Canada are currently listed as “threatened” under the Endangered Species Act, except for the Cabinet/Yaak population, which is listed as “endangered”. The Stimson project area represents the largest block of privately owned land in the Cabinet-Yaak recovery zone and includes four grizzly bear linkage zones identified by the U.S. Fish and Wildlife Service as critical to the survival of this population of bears.

Native fish species on the property include westslope cutthroat trout, interior redband rainbow trout, and a remnant population of white sturgeon. Montana Fish, Wildlife and Parks has identified almost ten miles of “outstanding” bull trout habitat and just over four miles of “substantial” westslope cutthroat trout habitat on the Stimson project lands alone. Further, the interior redbands in this area represent Montana’s only native rainbow trout population. Importantly, Trout Unlimited scientists have reviewed the coldwater habitat areas on this property for future security from climate change impacts, and consider much of the project area to be on the breaking point between serving as climate refugia for westslope cutthroat and bull trout versus being lost as effective habitat. The property contains some areas of core refugia, but climate-driven threats from elevated winter flooding are high. The proposed conservation easement will enhance opportunities for needed restoration activities that will improve overall watershed health and function, and thereby increase the resilience of this area to climate change.

The area also supports a wide range of wetlands and forest-dependent birds, many of which are listed as priority species in the Montana Partners In Flight Bird

Conservation Plan, including bald eagle, peregrine falcon, trumpeter swan, and flammulated owl.

The entire Kootenai drainage is widely regarded as one of the best timber growing regions in Montana. With its modified Pacific maritime climate and abundant rain and snowfall, the region grows trees faster and in greater volume than almost any other place in the state. By keeping 28,000 acres in active forest management, the Stimson project will help to support the timber industry and forest products infrastructure in Montana (and nearby north Idaho) while prohibiting subdivision and development activities that would further fragment the forest landscape. Recent trends in Lincoln County indicate that the Stimson-owned lands near Bull Lake and in the Lake Creek and Kootenai River corridors would be highly susceptible to development if they were ever sold off. The proposed conservation easement would permanently remove this risk and prevent habitat fragmentation and fire management costs resulting from increased development within and expansion of the wildland-urban interface.

Outdoor recreation opportunities in the Stimson project area abound. Hunting and angling are favorite activities given the area's superb fisheries and wildlife values. Deer and elk hunting alone generate approximately 31,000 hunter days per year in the area, contributing an estimated \$600,000 to the local economy. The area's healthy populations of black bear, mountain goat, moose, mountain lion, diverse upland game birds, and its robust trout fisheries make it a popular destination for other sportsmen as well. Hiking, mountain biking, camping, skiing, snowmobiling, ATV use, floating, wildlife viewing, horse-back riding, and other outdoor recreational pursuits are also very popular. The Kootenai River, which is today eligible for wild and scenic designation, flows through the Stimson project lands for almost 20 miles as it cascades down from the famous Kootenai Falls. Highway 2 follows the river through rugged canyons all the way to the Idaho border and is truly one of the most scenic routes in the state. Recreational activities not only provide enjoyment for residents and visitors but also contribute significantly to the local economy, allowing local outfitters, guides, and other outdoor recreation businesses to thrive and prosper. Making the Stimson project lands permanently accessible to the general public will enhance local recreational opportunities and improve access to thousands of acres of adjoining National Forest System lands.

The total cost for the overall 28,000-acre Stimson Forestlands Protection Project is estimated to be \$16 million. An allocation of \$6.5 million from the Forest Legacy Program is needed in FY 2012 and would be matched with a 25% in-kind contribution from Stimson in the form of donated easement value. Additional funding is being sought from the federal Habitat Conservation Plan (HCP) Land Acquisition Program, the Bonneville Power Administration (BPA), and possibly the National Fish and Wildlife Foundation (NFWF). Successfully protecting the Stimson project lands will conserve critical habitat and scenery, while greatly enhancing public access and recreational opportunities in this exceptional natural resource area.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Montana, and I appreciate your consideration of this funding request.

TESTIMONY OF THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES
TO THE SUBCOMMITTEE ON INTERIOR APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES, APRIL 14, 2011

The National Assembly of State Arts Agencies (NASAA), representing the state and special jurisdictional government arts agencies, is pleased to submit testimony in support of funding at \$167.5 million for the National Endowment for the Arts (NEA) in fiscal year 2012. The president's budget request would reduce current NEA support to \$146.255 million in 2012. Funding the NEA at \$167.5 million would hold the agency at its 2010 level and would provide support to help sustain a healthy nonprofit arts sector contributing to communities nationwide.

Appropriations Request: With a budget of \$167.5 million for the NEA, NASAA and the state arts agencies believe that the federal commitment serves as a foundation to help communities maintain and develop their artistic resources. We are encouraged that Congress in recent years has voted to increase funding for the NEA. We urge Congress to maintain that funding for the NEA in the FY12 Interior Appropriations bill to continue the critical level of funds to the state arts agencies, working as public agency partners with the NEA to extend the federal arts dollar's reach and impact, translating national leadership into local benefit.

The Federal-State Partnership: NEA funds granted to state arts agencies ensure that every state receives a significant share of federal arts support. By statute, the NEA allocates 40% of its annual grant making dollars to state arts agencies and their regional arts organizations. These federal funds combine with state legislative appropriations and other dollars to ensure that federal funding reaches far, broadening access to the arts for communities throughout the state and strengthening the state's arts infrastructure.

Proposals in the administration's 2012 budget request, discussed below, include a disregard for the congressional mandate that the NEA allocate 40% of program funds to the state and regional arts agencies. This departure from the mandate poses negative financial consequences for the states and compromises the capacity of state arts agencies to fulfill the federal mission.

State arts agencies work to address the objectives of the NEA and help government to achieve broad public policy goals, such as promoting education excellence, stimulating economic growth and strengthening communities. State arts agencies use federal funds to increase access to the arts and support the arts programs and artists in their communities, greatly extending the NEA's reach and benefits. In 2011, state arts agencies will manage \$346 million in federal, state, and non-governmental funds to distribute through state arts agency-funded projects. Each year in partnership with the NEA, state arts agencies support approximately 23,000 projects, almost ten times the number of grants awarded directly by the NEA. Funds go to 17,500 organizations, schools and artists in nearly 5,000 communities across the United States, and in every congressional district.

State Arts Agency Grant Making: Through services and grant making, state arts agencies, enabled by federal dollars, increase citizen access to the arts and help each state to recognize, cultivate and promote its unique creative assets. Among the most important services is grant making to foster:

- educational success, by investing in arts education opportunities for students;
- arts participation and accessibility, by supporting programs that widen availability;
- cultural infrastructures, by investing in local arts networks and cultural organizations;
- innovation, by supporting individual artists and new creative programs; and
- artistic heritage, by investing in the preservation of cultural traditions.

State arts agency grant requirements encourage local investment in the arts.

Applicants match – and usually exceed – the funds granted by the state with funds from local government, the private sector, or earned income activities.

Arts in Education: Supporting lifelong learning in the arts, with assistance from the NEA, is a top priority for state arts agencies. State arts agencies invest over \$74 million in arts education grants to more than 2,800 communities. More than a third of all state arts agency grants (about 8,500 grants) have a significant arts education component. These grants support a wide range of activities, including performances, exhibitions, residencies (both school and non-school), instruction, and curriculum development. Other types of grants support the design of assessment and evaluation tools and fund professional development programs. State arts agencies also support after-school/out-of-school arts programs, early childhood arts learning, the arts in higher education and many programs that teach the arts to adults and seniors.

Access to the Arts: State arts agencies use their funds to broaden and diversify participation in a wider variety of art forms through support for touring and presentation of over 7,000 exhibits and performances within their states, arts festivals and fairs, and distribution of information and artwork through various channels, including broadcast and internet. Public arts spending is especially important, for example, in rural areas which are often artistically underserved due to their geographic and economic isolation. In 2009, state arts agencies invested over \$32 million in programs to widen the availability of the arts. NEA funds to state arts agencies for grants to underserved areas are an important source of this support.

Support for Local Arts Agencies

Local arts agencies – both nonprofit organizations and those that are part of municipal or county governments – are important state arts agency partners. Together, state and local arts agencies work to ensure that the cultural, civic, educational and economic benefits of the arts are available to every community in America. State arts agencies invest more than \$39 million – 14% of all state arts agency grant dollars – in local arts agencies. These grants strengthen the programming and capacity of local arts agencies, helping them to secure additional public and private dollars at the local level. About one-third of the dollars awarded to local arts agencies by state arts

agencies is operating support – flexible dollars that can be used to support community arts activities and operations in accordance with local needs and circumstances.

Supporting the Cultural Infrastructure: Public spending on the arts is a good investment in the economic growth of every community. State arts agencies recognize that cultural development is a vital part of economic development strategies, attracting businesses and new residents and generating jobs.

Individual Artists: State arts agencies recognize the vital role that professional artists and traditional artists have in their communities, and the importance of supporting the creativity of individual artists in their states. Through fellowship grants and residencies, state arts agencies help artists further their work, encourage the excellence of individual artists in their states, promote and showcase the artistic creations of their artists, and acknowledge the diversity of cultural and artistic expression throughout their states.

Cultural Heritage Preservation: State arts agencies help to document and preserve cultural heritage by investing over \$7 million in 2009 in the preservation of cultural traditions to support the work of master folk artists and folklorists; apprenticeships in the traditional arts; and supporting festivals, on-line sites, and heritage trails.

2012 Budget Request: Implications for State Arts Agencies: The NEA has proposed in the President's 2012 budget a number of changes that we consider ill-advised. Some of these changes directly affect the work of state arts agencies in every state and jurisdiction. It is through state arts agencies that the NEA is able to reach beyond its own direct grants into communities throughout the nation. Any action that compromises the capacity of state arts agencies should be seriously examined in cooperation with the field.

1. **Allocation of Program Funds to States:** The NEA budget requests \$5 million for the Our Town initiative to be funded in 2012 in a new category not considered part of program funds. In 2011, funding for Our Town at \$5 million is included in the total amount of program funding. The proposal to exempt Our Town funding from the state allocation violates the current policy that was established consistent with Congressional directives to allocate 40% of program funds to the state arts agencies. This budgetary shift in funding effectively reduces support to state arts agencies by \$2 million. This shift from established policy is inconsistent with the NEA's own stated budget priority that "State funding will be adjusted commensurate with the overall program reduction." It is through state arts agencies that the NEA is able to reach beyond its own direct grants into communities throughout the nation. NASAA urges Congress to include any funding for Our Town with program funds for allocation of the full 40% share of program funds to state arts agencies.

2. **Matching Requirements:** The NEA is seeking statutory clarification regarding the allowed matching requirements of state arts agencies. The administration's intention is to "clarify that match must come from funds controlled and

managed by the State and that funds from third parties not directly controlled and managed by the State are not eligible (such as subgrant match.)" The proposed clarifying language would allow states to match with such funds as appropriated funds, donated funds, and trust funds. Clarification of matching requirements is desirable, provided some flexibility is provided to states during the short term. NASAA requests that Congress require the NEA to consult with the National Assembly of State Arts Agencies (NASAA) and the state arts agencies about how to craft this language for the appropriate identification of eligible matching funds.

3. **Match Waivers:** The administration's 2012 budget document seeks permission from Congress to develop criteria on the "waive-of-match" provision for states and regions. The administration explains that while states may seek a waiver authority, it does not appear to be the intent of the NEA's authorizing legislation "to allow waiver of match in perpetuity," and guidance is desirable as to the circumstances around the ability of states and regions to seek a waiver of match. Again, NASAA requests that Congress require the NEA to consult with the National Assembly of State Arts Agencies (NASAA) and the state arts agencies about how to develop these criteria for waiver of matching funds.

4. **Poetry Out Loud!** The NEA proposes to reduce funding to Poetry Out Loud! the national poetry recitation contest. The program was initiated by the NEA and made a national competition with cooperation of state arts agencies. The NEA should first seek other sponsors for this event before considering any reductions to state arts agencies. If any reduction is to be made in Poetry Out Loud, it should be proportional to the funding decrease in overall program funds. Poetry Out Loud is worthy of maintaining at its current budget level, but if the NEA should be cut, Poetry Out Loud grants to states should not be reduced by a percentage greater than the overall agency cut to program funds.

5. **Arts in Education:** Similarly, the NEA is proposing to reduce its support to state arts agencies for arts in education. Prior to the cuts in the NEA budget in the 1990's, the NEA invested an amount of \$5 million for arts education. This amount has been reduced over the years to an amount of \$1.7 million in FY 2010. Any reduction in support for arts in education should be proportional to other funding decreases taken in other NEA programs.

6. **Heritage and Jazz Awards:** The NEA proposes to replace national honors in Jazz and Folk/Traditional Arts with combined awards that address all art forms. NASAA supports the position to maintain the National Heritage Awards and the Jazz Masters Awards. These singular awards are vitally important to promoting the continued health of these efforts, which are typically outside the mainstream of the arts. Many state arts agencies consider their folk and traditional arts programs to be among their highest priorities. Jazz has been called America's classical music and is arguably America's most important original contribution to the arts.

Statement of Michael P. Garner, President, National Association of Abandoned Mine Land Programs re the FY 2012 Proposed Budget for the Office of Surface Mining before the House Interior, Environmental and Related Agencies Appropriations Subcommittee

My name is Michael Garner and I am Director of Maryland's Abandoned Mine Land Program. I also serve as President of the National Association of Abandoned Mine Land Programs (NAAML). The NAAML represents 30 states and tribes with federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). Title IV of SMCRA was amended in 2006 and significantly changed how state AML grants are funded. State AML Grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result, the states should receive \$498 million in FY 2012. We adamantly oppose the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed budget amount of \$313.8 million for State AML grants, a reduction of \$184.2 million, and reject the notion that a competitive grant process would improve AML program efficiency. The proposed spending cuts would eliminate funding to states and tribes that have "certified" completion of their highest priority coal reclamation sites. OSM has also proposed a \$6.8 million reduction in discretionary spending that would eliminate the federal emergency program under Section 410 of SMCRA. I appreciate the opportunity to testify before the Subcommittee and outline some of the reasons why the NAAML opposes OSM's proposed FY 2012 budget.

SMCRA was passed in 1977 and set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Fund to work towards eliminating the innumerable health, safety and environmental problems that exist throughout the Nation from the mines that were abandoned prior to the Act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSM and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected by OSM on coal mined within the boundaries of a state or tribe, referred to as "State Share", would be returned for uses described in Title IV of the Act if the state or tribe assumed responsibility for regulating active coal mining operations pursuant to Title V of SMCRA. The 2006 Amendments clarified the scope of what the State Share funds could be used for and reaffirmed the promise made by Congress in 1977.

If a state or tribe was successful in completing reclamation of abandoned coal mines and was able to "certify" under Section 411 of SMCRA, then the State Share funds could be used to address a myriad of other abandoned mine issues as defined under each state or tribes approved Abandoned Mine Reclamation Plan. These Abandoned Mine Reclamation Plans are approved by the Office of Surface Mining and they ensure that the work is in accordance with the intent of SMCRA. Like all abandoned mine reclamation, the work of certified states and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining.

This reduction proposed by OSM in certified state and tribal AML grants not only breaks the promise of State and Tribal Share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished in the 2006 Amendments following more than ten years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the Administration's stated goals regarding jobs and environmental protection. We therefore respectfully ask the Committee to continue the funding for certified states and tribes at the statutory authorized levels and turn back any efforts to amend SMCRA in this regard.

In addition to the \$184.2 million reduction, the proposed FY 2012 budget would terminate the federal AML emergency program, leaving the states and tribes to rely on funds received through their non-emergency AML grant funds. This contradicts the 2006 amendments, which require the states and tribes to maintain "strict compliance" with the non-emergency funding priorities described in Section 403(a), while leaving Section 410, Emergency Powers, unchanged. Section 410 of SMCRA requires OSM to fund the emergency AML program using OSM's "discretionary share" under Section (402)(g)(3)(B), which is entirely separate from state and tribal non-emergency AML grant funding under Sections (402)(g)(1), (g)(2), and (g)(5). SMCRA does not allow states and tribes to administer or fund an AML emergency program from their non-emergency AML grants, although, since 1989, fifteen states have agreed to implement the emergency program *on behalf of OSM contingent upon OSM providing full funding* for the work. As a result, OSM has been able to fulfill their mandated obligation more cost effectively and efficiently. Ten states and 3 tribes continue to rely solely on OSM to operate the emergency program within their jurisdiction.

Regardless of whether a state/tribe or OSM operates the emergency program, only OSM has the authority to "declare" the emergency and clear the way for the expedited procedures to be implemented. In FY 2010, OSM made 153 emergency declarations in Kentucky and Pennsylvania alone, states where OSM had operated the emergency program. In FY 2011, OSM issued guidance to the states that the agency "will no longer declare emergencies." OSM provided no legal or statutory support for its position. Instead, OSM has "transitioned" responsibility for emergencies to the states and tribes with the expectation that they will utilize non-emergency AML funding to address them. OSM will simply "assist the states and tribes with the projects, as needed". Of course, given that OSM has proposed to eliminate all funding for certified states and tribes, it begs the question of how and to what extent OSM will continue to assist these states and tribes.

If Congress allows the elimination of the emergency program, states and tribes will have to adjust to their new role by setting aside a large portion of their non-emergency AML funds so that they can be prepared for any emergency that may arise. Emergency projects come in all shapes and sizes, vary in number from year to year and range in cost from thousands of dollars to millions of dollars. Requiring states and tribes to fund emergencies will result in funds being diverted from other high priority projects and delay certification under Section 411, thereby increasing the backlog of projects on the Abandoned Mine Land Inventory System (AMLIS). For minimum program states and states with small AML programs, large emergency projects will require the states to redirect all or most of their AML resources to address the emergency, thereby delaying

other high-priority reclamation. With the loss of stable emergency program funding, minimum program states will have a difficult, if not impossible, time planning, budgeting, and prosecuting the abatement of their high priority AML problems. In a worst-case scenario, a minimum program state would not be able to address a costly emergency in a timely fashion and would have to “save up” multiple years of funding before even initiating the work to abate the emergency, in the meantime ignoring all other high priority work.

OSM’s proposed budget suggests addressing emergencies, and all other projects, as part of a competitive grant process whereby states and tribes compete for funding based on the findings of the proposed AML Advisory Council. OSM believes that a competitive grant process would concentrate funds on the highest priority projects. While a competitive grant process may seem to make sense at first blush, further reflection reveals that the entire premise is faulty and can only undermine and upend the deliberate funding mechanism established by Congress in the 2006 Amendments. Since the inception of SMCRA, high priority problems have always taken precedence over other projects. The focus on high priorities was further clarified in the 2006 Amendments by removing the lower priority problems from the Act and requiring “strict compliance” with high priority funding requirements. OSM already approves projects as meeting the definition of high priority under its current review process and therefore an AML Advisory Council would only add redundancy and bureaucracy instead of improving efficiency.

We have not been privy to the particulars of OSM’s legislative proposal, but there are a myriad of potential problems and implications for the entire AML program based on a cursory understanding of what OSM has in mind. They include the following:

- Has anyone alleged or confirmed that the states/tribes are NOT already addressing the highest priority sites? Where have the 2006 Amendments faltered in terms of high priority sites being addressed as envisioned by Congress? What would remain unchanged in the 2006 Amendments under OSM’s proposal?
- If the current AML funding formula is scrapped, what amount will be paid out to the non-certified AML states and tribes over the remainder of the program? What does OSM mean by the term “remaining funds” in its proposal? Is it only the AML fees yet to be collected? What happens to the historic share balances in the Fund, including those that were supposed to be re-directed to the Fund based on an equivalent amount of funding being paid to certified states and tribes each year? Would the “remaining funds” include the unappropriated/prior balance amounts that have not yet been paid out over the seven-year installment period?
- Will this new competitive grant process introduce an additional level of bureaucracy and result in more funds being spent formulating proposals and less on actual AML reclamation? The present funding formula allows states and tribes to undertake long-term strategic planning and efficiently use available funds.
- How long will OSM fund a state’s/tribe’s administrative costs if it does not successfully compete for a construction grant, even though the state/tribe has eligible high priority projects? How will OSM calculate administrative grant funding levels, especially since salaries and benefits for AML project managers

and inspectors predominantly derive from construction funds? Would funding cover current staffing levels? If not, how will OSM determine the funding criteria for administrative program grants?

- How does OSM expect the states and tribes to handle emergency projects under the legislative proposal? Must these projects undergo review by the Advisory Council? Will there be special, expedited procedures? If a state/tribe has to cut back on staff, how does it manage emergencies when they arise? If emergency programs do compete for AML funds, considerable time and effort could be spent preparing these projects for review by the Advisory Council rather than abating the immediate hazard. Again, how can we be assured that emergencies will be addressed expeditiously?
- One of the greatest benefits of reauthorization under the 2006 Amendments to SMCRA was the predictability of funding levels through the end of the AML program. Because state and tribes were provided with hypothetical funding levels from OSM (which to date have proven to be quite accurate), long-term project planning, along with the establishment of appropriate staffing levels and project assignments, could be made accurately and efficiently. How can states/tribes plan for future projects given the inherent uncertainty associated with having to annually bid for AML funds?

Given these uncertainties and the negative implications for the accomplishment of AML work under Title IV of SMCRA, Congress should reject the proposed amendments to SMCRA as being counterproductive to the purposes of SMCRA and an inefficient use of funds. We request that Congress continue mandatory funding for certified states and tribes and provide funding for AML emergencies. A resolution to this effect adopted by the NAAMLPP at its recent Winter Meeting is attached, as is a more comprehensive list of questions concerning the legislative proposal. We ask that they be included in the record of the hearing.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLPP therefore requests the Committee to once again include language in the FY 2012 appropriations bill that would allow the use of AML funds for any required non-Federal cost-share required by the Federal government for AMD treatment or abatement.

We also urge the Committee to support funding for OSM's training program and TIPS, including moneys for state/tribal travel. These programs are central to the effective implementation of state and tribal AML programs, as they provide necessary training and continuing education for state/tribal agency personnel, as well as critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of \$1.55 million because it facilitates and enhances state and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.



**Testimony of the National Association of Clean Air Agencies
Provided to the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
March 31, 2011**

The National Association of Clean Air Agencies (NACAA), an association of air pollution control agencies in 51 states and territories and over 165 metropolitan areas across the country who have the primary responsibility under the Clean Air Act for implementing our nation's clean air program, appreciates this opportunity to provide testimony on the FY 2012 proposed budget for the United States Environmental Protection Agency (EPA). NACAA supports the President's request for a \$78.9-million increase over FY 2010 levels in federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act – part of the State and Tribal Assistance Grant (STAG) program. This would raise to \$305.5 million the total amount of Section 103/105 air grants to state and local air agencies.

Air Pollution Threatens Public Health

Simply put, air pollution kills people. In the United States, exposure to dirty air causes tens of thousands of premature deaths each year and results in serious health problems, such as the aggravation of respiratory and cardiovascular diseases; difficulty breathing; increased susceptibility to respiratory infections; adverse effects on learning, memory, IQ, and behavior; and cancer. Air pollution also harms vegetation and land and water systems, impairs visibility and causes other adverse impacts.

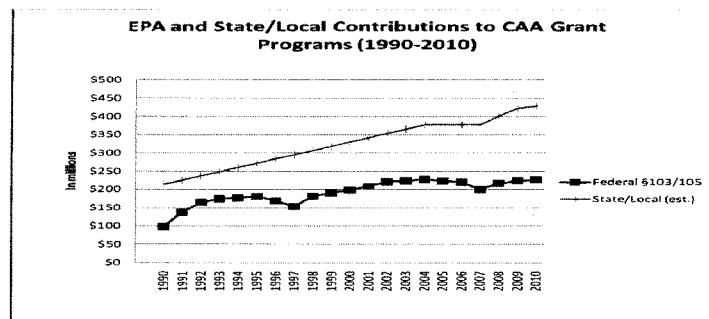
There are few places, if any, where one can escape dirty air in this country. According to EPA, approximately 127 million people lived in counties that exceeded at least one of the health-based national ambient air quality standards (NAAQS) in 2008.¹ With a new health-based standard for ozone, this number will likely be higher. With respect to hazardous air pollutants, or "air toxics," EPA data show that *everyone* in the U.S. has an increased cancer risk of over 10 in one million (one in one million is generally considered "acceptable").² We doubt this Subcommittee addresses any other issues that cause more preventable deaths each year.

Substantial Funding Increases for State and Local Air Quality Programs Are Essential

State and local air quality agencies have been faced with insufficient budgets for many years. Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air programs, while states and localities must provide a 40-percent match. But the truth is that state and local air programs, on average, supply 77 percent of their budgets (not counting permit fees under the federal Title V program), while federal grants equal only 23 percent. State and local agencies provide far more than their fair share of the funding. The graph below illustrates this funding disparity.

¹ *Our Nation's Air: Status and Trends Through 2008* (February 2010), EPA, www.epa.gov/airtrends/2010/.

² National Air Toxics Assessment for 2005 - Fact Sheet, www.epa.gov/ttn/atw/nata2005/05pdf/sum_results.pdf.



Due to the budget crisis, state and local governments are increasingly strapped for resources and finding it ever more difficult to carry the federal government's share of the funding responsibility. According to data from the Environmental Council of the States (ECOS), state environmental budgets are declining significantly, decreasing 11.6 percent from FY 2009 to FY 2011.³ From a survey of 37 states, ECOS found that 2,112 environmental agency positions have been eliminated or held vacant due to budget limitations in FY 2010.⁴ Because of the continuing adverse impact of the recession on states and localities, air agencies will continue to make more painful decisions, such as reducing or cutting air programs that protect public health.

As a result of these funding woes, states and localities must increasingly rely on federal contributions. Unfortunately, federal grants to state and local air agencies (as the graph shows) have been relatively stagnant and the purchasing power has actually *decreased* due to inflation. In fact, federal grants decreased by nearly 10 percent in purchasing power between FY 2000 and FY 2010. At the same time, the responsibilities air agencies face have increased dramatically.

A 2009 NACAA funding study showed that there is an annual shortfall of \$550 million in federal grants for state and local air programs.⁵ While the proposed increase would not solve all our funding problems, it would be very helpful in our efforts to obtain and maintain healthful air quality. Because state and local agencies already provide 77 percent of their budgets, meeting the 40-percent match associated with this increase nationally should not be a problem.

We recognize that Congress must choose among many worthy programs in determining how to appropriate scarce resources. But we also note that air quality programs are extremely cost effective and improvements in public health advance the health of our economy. Fewer sick days, less spending for health-care costs and a healthier and more productive workforce have great economic benefits. An EPA analysis from March 2011 shows that the benefits of the Clean

³ *ECOS Green Report – Status of State Environmental Agency Budget, 2009-2011* (August 2010), Environmental Council of the States, http://ecos.org/files/4157_file_August_2010_Green_Report.pdf.

⁴ *ECOS Green Report – Impacts of Reductions in FY 2010 on State Environmental Agency Budgets* (March 2010), Environmental Council of the States, http://ecos.org/files/4011_file_March_2010_ECOS_Green_Report.pdf.

⁵ *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, (April 2009), NACAA, <http://www.4cleanair.org/Documents/Reportneedssurvey042709.pdf>.

Air Act since 1990 have exceeded the cost by over 30 to one.⁶ This is a substantial return on our investment. Additionally, a University of Massachusetts/Ceres study showed that upcoming Clean Air Act rules will create almost 1.5 million new jobs.⁷ The additional grants will also stimulate the economy by creating new jobs within air quality agencies across the country. While not all grants will be used for personnel, they could fund up to 700 new jobs, averaging 14 per state. Finally, well-funded and well-run air agencies are better able to serve the community, including through more effective permitting and compliance assistance. These services help fuel the recovery of our local economies. Considering this and the fact that the public's health and welfare are at stake, we simply cannot afford to underfund these important programs.

The Administration's Request Includes Increases for Essential Programs

The President's proposed budget includes increases over FY 2010 levels in four primary areas: Core Activities, Increasing Capacity for Greenhouse Gas Permitting, Monitoring and Support for the Greenhouse Gas Reporting Rule. These are all extremely important efforts in need of increased financial support.

Core Activities (\$37.4 million) – The President's request rightfully recognizes the importance of state and local air agencies' core programs by calling for additional grant funds to support them. Without a doubt, new and innovative efforts are necessary, but ongoing core programs are critical as well, including the day-to-day activities that are the foundation of our programs. The additional funds will support continuing program responsibilities and the increased workload that state and local air agencies face as EPA updates its health-based NAAQS. Agencies must update or prepare new State Implementation Plans (SIPs) for ozone, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), lead and fine particulates. For example, SIPs for the 2006 PM_{2.5} standard are due in November 2012, for the new lead standard in 2011 and 2012, and for the new SO₂ and NO₂ standards in 2013. State and local agencies must develop these plans, which require complex tasks, such as compiling emission inventories, carrying out sophisticated modeling, significantly expanding and operating monitoring networks, adopting and enforcing regulations and addressing multi-pollutant and multi-state transport issues, among other things.

Increasing Capacity for Greenhouse Gas Permitting (\$25 million) – State and local agencies must continue to expand their capacity to issue greenhouse gas (GHG) permits for new and modified sources under the "Prevention of Significant Deterioration" program and Title V operating permits for existing sources. The increase would be used as states take on these tasks by supporting staff development and training, program planning and analysis, source identification, outreach to industry and responding to the public.

Support for the Greenhouse Gas Reporting Rule (\$1.5 million) – The President's proposed budget includes funding to assist state and local agencies in the collection, review, analysis and

⁶ *The Benefits and Costs of the Clean Air Act Amendments from 1990 to 2020* (March 1, 2011), EPA, <http://www.epa.gov/air/sect812/feb11/summaryreport.pdf>.

⁷ *New Jobs – Cleaner Air: Employment Effects under Planned Changes to the EPA's Air Pollution Rules* (February 2011), Ceres and the Political Economy Research Institute of the University of Massachusetts, Amherst, http://www.peri.umass.edu/fileadmin/pdf/other_publication_types/green_economics/CERES_PERI_Feb11.pdf.

use of greenhouse gas registry emissions data and linking state-based reporting systems to EPA's new system.

Monitoring (\$15 million) – State and local agencies must increase monitoring activities to address new and revised standards for ozone, lead, NO₂ and SO₂. Additionally, more monitoring of hazardous air pollution is needed in locations where the public lives, works, attends school and carries out daily activities. These efforts require purchasing additional ambient air monitoring equipment that provides essential information about the levels of pollutants in the air and, later, the success of control measures. While the President's request for increased grants to acquire new monitoring equipment in FY 2012 is not sufficient to address *all* the additional monitoring needs, it will be very helpful as state and local agencies expand their monitoring capabilities to address the new and revised standards and hazardous air pollutants. The increases are especially critical since they were needed in FY 2011 but have not been appropriated, putting state and local agencies behind in their schedules for acquiring and deploying this equipment.

EPA is once again recommending that fine particulate monitoring funds be shifted from Section 103 authority, where no match is needed, to Section 105, which would require additional matching funds. We request that these funds remain under Section 103 authority, as they have in the past, rather than EPA beginning a phased-in shift of these funds to Section 105 authority. For individual agencies that have concerns about the matching requirements, this will ensure that they can continue receiving these monitoring funds.

Diesel Retrofit Funding Should Be Restored

NACAA is a member of a broad coalition representing public-interest, environmental, business and governmental organizations, among others, supporting funds for diesel retrofits. The coalition is disappointed that the President did not request grant funds authorized by the Diesel Emissions Reduction Act (DERA). The DERA programs have a successful record of substantially decreasing harmful particle pollution from diesel exhaust. We ask that Congress provide \$50 million in FY 2012 for DERA funding. Of course, funding for DERA should supplement, and not come at the expense of, state and local air agency grants.

Conclusion

The President's budget request calls for essential increases in grants for state and local air quality programs at a time when these agencies must handle both continuing and significant new responsibilities. While the proposed increases would not fully address the enormous deficit that these programs face, they would provide additional support when it is desperately needed.

NACAA recommends, therefore, that Congress appropriate the President's FY 2012 request for federal grants to state and local air quality agencies under Sections 103 and 105 of the Clean Air Act, which is \$305.5 million (\$78.9 million above FY 2010 levels). Additionally, NACAA recommends that DERA programs be funded in the amount of \$50 million.

Thank you for this opportunity to testify and for considering the efforts of state and local air quality programs as they improve and protect public health.

**TESTIMONY OF PHILIP GIUDICE, UNDERSECRETARY FOR ENERGY,
COMMONWEALTH OF MASSACHUSETTS,
CHAIR NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED
AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT
OF FY' 12 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING
March 28, 2011**

Mr. Chairman and members of the Subcommittee, I am Phil Giudice of Massachusetts, and Chair of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the states, territories and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least \$55 million, including specific report language directing that the funds be utilized only for the Energy Star program. The Energy Star program is successful and cost-effective. With energy prices increasingly volatile, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments and business to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and over 40 states are Energy Star Partners. In 2005, EPA and NASEO announced a State Partnership program, which has many state members. We are also working closely with EPA on Home Performance with Energy Star. With very limited funding, EPA's Energy Star program works closely with the state energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2008, 550 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the state energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star's voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with state and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education. State energy offices are working with EPA to promote Energy Star products, Energy Star for new construction, Home Performance with Energy Star (especially for existing homes), Energy Star for public housing, etc.

In addition to the state partners, the program has over 14,000 voluntary partners including over 2000 manufacturers using the label, more than 1,000 retail partners, more than 5,000 builder partners, 4,500 businesses, 550 utilities and thousands of energy service providers. The Home Performance with Energy Star activity allows us to focus on whole-house improvements, not simply a single product or service. This is extremely beneficial to homeowners. States such as Texas and Wisconsin have successful programs. We are also working closely with EPA in the

implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10% or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified improvements. Again, this is being done without mandates.

The state energy offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the state energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The state energy offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

Conclusion

The Energy Star program saves consumers billions of dollars every year. The payback is enormous. NASEO supports robust program funding in FY'12. Funding for the Energy Star program is justified. NASEO endorses these activities and the state energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs without mandates.

NCSHPO

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Ruth Pierpont, President
National Conference of State Historic Preservation Officers and
Director, Division for Historic Preservation, New York State Office of Parks Recreation and
Historic Preservation
Testimony before the
U. S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
The Honorable Mike Simpson, Chairman

March 29, 2011

Preservation Makes ¢ent\$

Request: • \$50,000,000 for State Historic Preservation Offices

Funded through withdrawals from the Historic Preservation Fund (16 USC 470h) U. S. Department of the Interior's National Park Service Historic Preservation Fund (HPF).

Thank you Chairman Simpson, Ranking Member Moran, and members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to provide testimony. On behalf of all 57 State Historic Preservation Officers (SHPOs), I extend our appreciation for this opportunity to provide the following testimony which details our FY12 appropriations request, SHPO responsibilities under the National Historic Preservation Act and how Preservation Makes ¢ent\$ through job creation, economic development, and heritage preservation.

FY12 HPF Funding Request Makes ¢ent\$

The NCSHPO requests a total \$70 million withdrawal from the HPF for FY12 with funding distribution amounts of \$50 million for SHPOs, \$11 million for THPOs and a total of \$9 million for the Save Americas Treasures and Preserve America grant programs. This request is ten percent less than the cumulative amount the four programs received in FY08.

Preservation Makes ¢ent\$ - Federal-State Partnership

In 1966 Congress recognized the importance of preserving and building upon our past by passing the National Historic Preservation Act (NHPA 16 USC 470), which established historic preservation as a federal government priority. Instead of using federal employees to carry out the Act, the Department Of Interior and the Advisory Council on Historic Preservation partner with

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the states and use SHPOs to: 1) locate and record historic resources; 2) nominate significant historic resources to the National Register of Historic Places; 3) foster historic preservation programs at the local government level and promote the creation of preservation ordinances; 4) provide funds for preservation activities; 5) comment on federal preservation tax projects; 6) review all federal projects for their impact on historic properties; and 7) provide technical assistance to federal agencies, state and local governments and the private sector. And, States contribute half the cost of the federal program.

Preservation Makes Cent\$ - Job Creation

Historic preservation creates jobs. Whether it is through the historic tax credit program, preservation grants, or other rehabilitation avenues, preservation creates skilled, principally local, jobs. The following are excellent examples of how historic preservation creates jobs and job training:

- The Pacific Northwest Preservation Partnership is a unique collaboration between ID, WA and OR SHPOs and their respective State Parks Departments, which hosts a field school in one of the three partner States each year and provides hands-on job training skills and principles in preservation. In 2010, classes took place at the Old Idaho Penitentiary, managed by the Idaho State Historical Society. The thirty participants benefited from hands-on training in masonry, wood-working and learning the principles of preservation – skills that are in demand but quickly becoming lost in today's society.
- In 2010, while still in a national recession, there were nearly 1,000 new historic tax credit projects started, averaging 47 jobs per project. The private investment in the approved and completed projects in 2010 totaled \$3.42 billion.¹
- When compared to new construction, \$1 million spent to rehabilitate a building will create 5-9 more construction jobs and 4.7 new jobs will be created elsewhere in the community.²

Preservation Makes Cent\$ - Economic Development

From Rupert, Idaho to Alexandria, Virginia, historic preservation plays a key role in creating, maintaining, and growing these communities while preserving their historical significance. The Federal Rehabilitation Tax Credit program is an important driver in economic development. The program benefits communities by:

- Increasing the value of the rehabilitated property and returning underutilized structures to the tax roles.
- Encouraging protection of landmarks through the promotion, recognition, and designation of historic structures.
- Upgrading downtowns and neighborhoods and often increasing the amount of available housing within the community.

¹ "Federal Tax Incentives for Rehabilitating Historic Buildings – Statistical Report and Analysis for Fiscal Year 2010." National Park Service.

² *The Economics of Rehabilitation*. Donovan Rypkema.

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In 2010, still in the midst of a recession, the federal rehabilitation tax credit spurred \$3.42 billion in private investment, created over 41,600 skilled, local jobs and over 5,500 moderate and low income housing units. All of which brings in both short and long-term economic opportunities for the community.

Heritage tourism also creates jobs, new businesses, builds community pride and can improve quality of life. SHPOs are essential, ground level partners in identifying historic places and providing research for tourism interpretation. According to a 2009 national research study on U.S. Cultural and Heritage travel by Mandela Research, 78% of all U.S. leisure travelers participate in cultural and/or heritage activities while traveling. Cultural and heritage travelers also spend on average \$994 dollars per trip compared to \$611 for all U.S. travelers.

Preservation Makes Cent\$ - America's Heritage

Preservation honors the significant places of American history at the local, state and federal levels through creating historic districts and listing resources in National and State Historic Registers. State Historic Preservation Officers, through the authority of the National Historic Preservation Act are there to assist, support and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the significance of their community. That recognition, in turn, builds community pride and stable, livable neighborhoods such as Pocatello, Idaho and Ithaca, New York. Further, this neighborhood improvement comes from individual, private investment, not from federal programs.

The National Historic Preservation program is one of assistance, not acquisition. The federal government does not own, manage, or maintain responsibility for the historic assets in the National Historic Preservation program. Instead, the program, through the SHPOs, provides individuals, communities, and local and state governments the tools they need to preserve and utilize their historic heritage for the betterment of their community and the Nation.

The Washington Post recently posted a video "Preserving History as Population Changes." The video shows several people who live and/or work in the historic Washington D.C. U Street Corridor Neighborhood. Central to the reasons these folks became involved in the neighborhood was the history, sense of place, and utilization of historic resources such as the renowned Lincoln Theatre.
http://www.washingtonpost.com/local/preserving-history-as-population-changes/2011/03/26/AF7LV7dB_video.html?hpid=z3

While the population change to the U Street Neighborhood has brought challenges, Mazi Mutafa states in the video, "The same people who saw value in buying less expensive real estate for theatres and businesses also thought - well why don't I live here since I work here or why don't I live here since I play here? I think the real challenge is not the fact that it's changed, it's the fact that one of the dangers of losing people who are from a community is that the history of it becomes less meaningful. And so I think that's why places like Lincoln Theatre are really important, to not just tell the story of what's happened today, but to tell the story of what's happened in the past so that the people who move to this neighborhood realize that as new residents they are a part of a history, though the people who made that history may not look like them, they lived in these very houses, they walked these same streets. So they need to see

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themselves as a part of that same history and a continuation of that history, not as a kind of replacement of that history.”

Preservation Makes Cent\$ - Money Well Spent

Federal funding for SHPOs is money well spent. Under the Administration’s Program Assessment Rating Tool, management of Historic Preservation Programs received a score of 89%, indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report “BACK TO THE FUTURE: A Review of the National Historic Preservation Program”, and the 2009 National Parks Second Century Report, which called for fully funding the Historic Preservation Fund.

NAPA, a non-profit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program “stands as a successful example of effective federal-state partnership and is working to realize Congress’ original vision to a great extent. However, the Panel concluded “that a stronger federal leadership role, greater resources, and enhanced management are needed to build upon the existing, successful framework to achieve the full potential of the NHPA on behalf of the American people.”³

2010 State Historic Preservation Offices’ Accomplishments

SHPOs used their HPF allocations well in 2010. While virtually every state continues to experience staffing and operation reductions, SHPOs are still charged with implementing the requirements of the NHPA to the fullest extent. Highlights of 2010 historic preservation accomplishments include:

- Reviewing 242,000 Federal undertakings, a 126% increase from 2009.
- Over \$3.42 billion of private investment in the rehabilitation of commercial historic properties under the Federal Rehabilitation Tax Credit (FRTC) program.
- An estimated 41,641 jobs created by the FRTC program in 2010.
- 5,514 low and moderate income housing units created through the FRTC.
- Approximately 24.5 million acres surveyed for cultural resources and over 168,000 properties evaluated for their historical significance.
- 1,214 new listings in the National Register of Historic Places.
- 112,000 National Register eligibility opinions.
- 49 new communities became Certified Local Governments (CLGs).
- Under local law, CLG’s newly designated 53,700 properties, and 67,300 properties took part in local preservation review, programs, and incentives.

Conclusion

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, fifty, one hundred or five hundred years from now. I would like to thank the committee for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation’s history and through our partnership, SHPOs stand committed to identify, protect, and maintain our Nation’s historic heritage. Thank you.

³ NAPA, “BACK TO THE FUTURE: A Review of the National Historic Preservation Programs” December 2007, p. 29

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 Tennessee Wildlife Resources Agency
 Texas Parks and Wildlife Department
 Texas Tech University
 Utah State University
 Virginia Tech University
 Vermont Fish and Wildlife Department
 Wisconsin Dept. Natural Resources
 University of Wisconsin—Madison
 Wyoming Game and Fish Department
 University of Wyoming
 Ducks Unlimited, Inc.
 Association of Fish and Wildlife Agencies
 Izaak Walton League of America
 Midwest Association of Fish and Wildlife
 Agencies
 Western Association of Fish and Wildlife
 Agencies
 National Association of University Fish and
 Wildlife Programs
 North American Grouse Partnership
 The Wildlife Society
 Wildlife Management Institute

Statement of Steve Riley, Chair National Cooperators' Coalition Regarding USGS Cooperative Research Unit Program Funding for Fiscal Year 2012

Summary

The National Cooperators' Coalition (NCC) urges the Subcommittee on Interior, Environment, and Related Agencies to increase the funding of the U.S. Geological Survey's Cooperative Fish and Wildlife Research Units (CFWRUs) by \$2.7 million above the amount in the FY 2010 Continuing Resolution to fill vacant scientist positions. At a time when federal spending needs to be reduced, the CFWRUs are precisely the type of program that should receive greater support because they successfully leverage \$3 for every \$1 of federal funds appropriated for the program. With typically just three federal scientists, each of the 38 CFWRUs is lean and highly productive and uses partnerships to avoid the need for federal spending on administrative personnel, building space and much of the operating expenses. This cost-effective program, however, is in jeopardy unless funds are provided to replace its retiring scientists.

The NCC also recognizes the efforts of several states that want to establish new unit capacity. Contingent on full funding of the base CFWRU program, it is vital to these efforts that an additional \$2.5 million be appropriated for the new capacity which will add units in Nevada, New Jersey and North Dakota and complete the wildlife mission at existing units in Hawaii and California.

The National Cooperators' Coalition is an alliance of nonfederal CFWRU program cooperators and other supporters. Its members include state fish and wildlife agencies, universities, and non-governmental organizations. The mission of the NCC is to build a stronger and more coordinated base of support to serve research, education, and technical assistance needs of the nonfederal CFWRU program cooperators.

Steering Committee: Steve Riley (Chair) • Bob Davison (Vice-chair) • Dave Willis (Secretary) • Dan Edge • Eric Hallerman • Wayne Hubert • Dale Humburg • Jim Sweeney • Gary Taylor • Steve Williams • Dan Zekor

Continue to Build on This Subcommittee's Efforts

We greatly appreciate your leadership in adding funding in fiscal years 2008, 2009, and 2010 for the CFWRU research and training partnership, which for over 75 years has brought together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. As a result, to provide the capacity in the CFWRU program that existed a decade ago, the fiscal year 2012 USGS appropriation now needs just \$2.7 million more than the fiscal year 2010 enacted level.

Each of the CFWRUs in 38 states is a true federal-state-university-private partnership among the U.S. Geological Survey, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than three dollars for every dollar appropriated to the program by Congress. The CFWRUs have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in state and federal agency experience, and able to assist private landowners and other members of the public. Restoration of funding support would ensure that the Interior Department provides the federal scientist staffing agreed to with CFWRU partners so that the return on the continuing investment in the program by those partners is realized and fully leveraged. At a time when federal spending needs to be reduced, the role of the CFWRU program in facilitating solutions to natural resources management challenges and training the fish and wildlife managers of tomorrow should be expanded rather than compromised by funding shortfalls that result in the absence of scientist leaders.

State and federal natural resources agencies are facing unprecedented challenges posed by energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These agencies also face the challenge of replacing an extraordinary number of natural resource professionals who are retiring. Finding workable solutions to these challenges requires the kind of approaches to research emphasized by the CFWRUs, which rely on leveraging federal dollars through collaborative, interdisciplinary efforts to help resolve emerging issues at scales that transcend individual state boundaries.

With appropriation of \$22 million for the CFWRUs for fiscal year 2012, a sound foundation will exist on which new capacity should be built. With appropriation of an additional \$2.5 million will add CFWRUs in Nevada, New Jersey and North Dakota and complete the wildlife mission at existing CFWRUs in Hawaii and California. Rutgers University, University of Nevada-Reno, North Dakota State University-The University of North Dakota, University of Hawaii-Hilo and Humboldt State University bring a wealth of research, education and innovative technology to address contemporary conservation issues at regional and national scales. The respective state agency partners bring an extensive history of successful fish and wildlife management skills and resources that complement those existing at the universities. The state agency and university partners are well equipped to collaborate with CFWRUs to help resolve natural resources management challenges that transcend state boundaries.

We urge you to make greater use of the Cooperative Fish and Wildlife Research Units and to expand this program in five states. The program's efficient and cost-effective research and training partnership brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. With your assistance, this program can make the best use of limited federal funds to become even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other federal, state, local agencies and this country's citizens.

Thank you for consideration of our request.

March 22, 2011



By: Lisa A. Corathers, NFFE Local 1957
U.S. Geological Survey, Reston, VA

To: U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Re: FY 2012 Interior Appropriations Bill
Department of the Interior: U.S. Geological Survey (USGS)

Action: Restore \$2.7 Million to the National Minerals Information Center and Increase its Budget to \$22.5 Million

I am writing on behalf of the National Federation of Federal Employees (NFFE) Local 1957, the bargaining unit for the National Minerals Information Center (NMIC), USGS, Reston, VA. The President's proposed Fiscal Year 2012 budget for the USGS includes a \$2.7 million cut (17%) to the NMIC's current funding level of \$15.9 million, and \$9.6 million (18%) from \$53.7 million for the entire Mineral Resource Program (MRP), of which we are a part. We have three things to ask of you.

First: Reject the Proposed FY 2012 Budget Cuts to the USGS National Minerals Information Center (formerly the Minerals Information Team).

The proposed budget cut would render NMIC ineffectual and the USGS noncompliant with its Congressional mandate by eliminating NMIC's international information function. Without international data, NMIC's ability to meet its core mission—to collect, report, and analyze data on the supply of nonfuel minerals critical to the Nation's economic and defense needs—would be severely and irreparably compromised. The USGS, therefore, could not fulfill its Congressional mandate to assure there is an adequate and dependable supply of mineral materials for national defense, as established by The Defense Production Act of 1950, as amended (1980 & 1992).

NMIC would lose an estimated 20 FTEs, which would require a reduction in force. This would result in the loss of existing expertise and the inability to attract new hires for succession planning. Report coverage would also be significantly reduced, and of extremely limited value from lack of international data. This is because of the global nature of the minerals industry. The U.S. import dependence for most strategic and critical nonfuel minerals and metals exceeds 75%, which is greater than the country's dependence on foreign oil. In 2010, NMIC found that U.S. import reliance was more than 50% for 44 minerals critical to national security and the U.S. economy. Of those, the import reliance was 100% for 18 minerals.

Second: Add \$6.6 million to NMIC's FY 2010 Funding Level for FY 2012 for a total of \$22.5 million. We would not ask for added funding in a time of such record deficits if we did not sincerely believe it was necessary. NMIC is unique to the Federal Government—it is the only comprehensive source of nonfuel mineral analysis to the Nation. In FY 1996, Congress recognized this fact when it transferred the NMIC function to the USGS from the former U.S. Bureau of Mines with specific responsibility for analyses of domestic and foreign mineral supplies. Since then, NMIC has endured a

continually shrinking budget both in current and real terms (1996 dollars). NMIC's budget has declined by 26% in real dollars to \$11.4 million through FY 2010. The proposed FY 2012 budget would result in a 41% reduction in NMIC funding from that of FY 1996 to \$9.5 million in real dollars (Figure 2).

Compounding the problem, NMIC has had to absorb mandated increases in salaries and cost of living adjustments. Not surprisingly, filled FTE positions have fallen by about 40% (68 positions) since FY 1996, as seen on Figure 3. Quite frankly, NMIC is now at the point that even flat levels of funding will prevent the group from fully accomplishing its mission. **Additional funding would allow NMIC to make much needed improvements, such as increasing the voluntary reporting of mineral production and consumption by U.S. companies; upgrading its data management system; and expanding data collection and analysis further down the supply chain.**

Third: Support Realignment of NMIC within the Federal Government so NMIC can be more Autonomous, Adaptable, and Stable. NMIC is relied upon as an objective source of nonfuel minerals information and expertise by Federal, State, and Local Governments, as well as by private, academic, and nongovernmental organizations. NMIC produces more than 800 reports per year covering nonfuel minerals, including Mineral Commodity Summaries for the Congressional Offices. In 2010, our Web site had about 11.5 million hits and more than 7.4 million publication downloads.

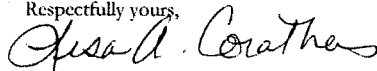
NMIC's budget has been arbitrarily maintained at roughly 30% of the USGS MRP budget since FY 1996. This is despite increasing requests for further collaboration by NMIC customers and recommendations by the National Research Council in 2008 in the report, "Minerals, Critical Minerals, and the U.S. Economy," as well as the 2011 report by the American Physical Society and Materials Research Society entitled, "Energy Critical Elements: Securing Materials for Emerging Technologies." The 2008 report recommended that *"the federal government should continue to carry out the necessary function of collecting, disseminating, and analyzing mineral data and information. The USGS Minerals Information Team (now National Minerals Information Center)...should have greater authority and autonomy than at present. It also should have sufficient resources to carry out its mandate..."* (See Box 1 for additional rationale for NMIC realignment.)

NMIC realignment would greatly enhance its position as the leading Government source of nonfuel minerals information and analyses to better meet its mission. Options include:

- A. Reporting directly to the Office of Director, USGS.** NMIC would have greater flexibility to enable USGS management to respond to mineral issues of national and international significance and in seeking cross-disciplinary solutions to these issues. One recent example is that of rare earth minerals, as described in Box 2.
- B. Reporting directly to the Office of Secretary, Department of Interior.** This would be similar to how the Energy Information Administration is organized under the Department of Energy.
- C. Transfer to some other Federal agency.**

Thank you for your consideration of these issues that affect both our Union's and the Nation's interests.

Respectfully yours,



Lisa A. Corathers, President, NFFE Local 1957

202-409-3267

Figure 1

National Minerals Information Center
Authorized Budget

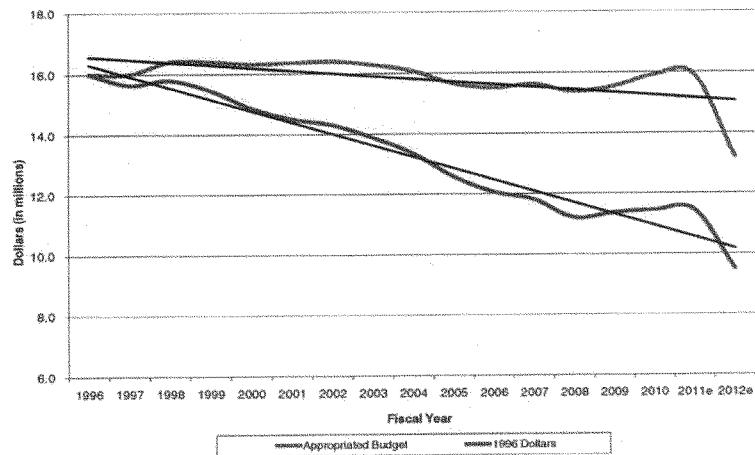
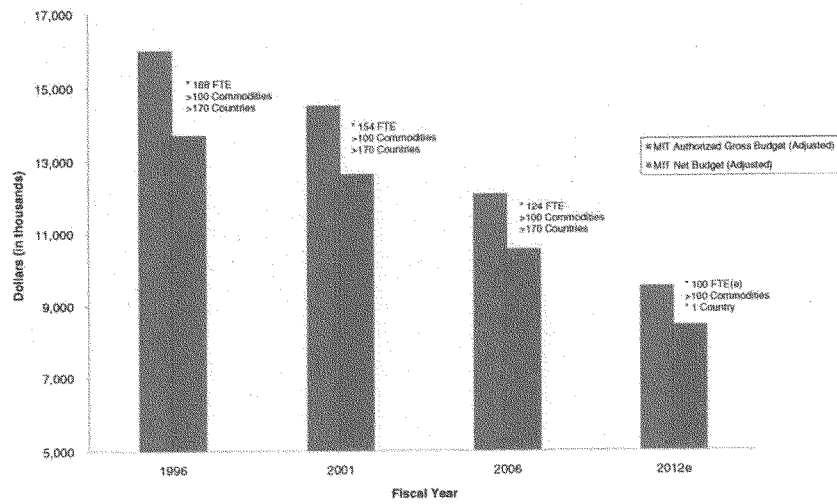


Figure 2

Comparison of NMIC Authorized Gross Budget to Net Budget
(in 1996 dollars)



Box 1: Rationale for NMIC Realignment

- ✓ **NMIC is artificially located within a sub-regional reporting structure at the USGS.** Such a reporting structure is contrary to NMIC's assessment of mineral materials availability for the United States within national and international contexts. By forcing such a reporting structure, some NMIC resources are diverted on unrelated activities that could be put to better use for the USGS.
- ✓ **NMIC's research is fundamentally different from other programs within the USGS.** NMIC's research necessarily requires strong economic and social-science expertise that is quite different from traditional USGS scientific investigations.
- ✓ **NMIC's mission is fundamentally different from most other USGS programs.** NMIC's mission requires quick turnaround, high-volume data gathering, analysis, and dissemination, unlike the research and assessment component of the MRP and many other USGS programs, which engage in long-term, project-oriented, fundamental scientific studies.
- ✓ **Prior Congresses have strongly rejected repeated attempts to cut NMIC's and the MRP Budget (2004, 2005, 2006, 2007, 2008, & 2009).** For example, the 2006 Congressional joint committee managers wrote, *"[we] strongly disagree with the Administration's proposed reductions to the mineral assessment program and believe it irresponsible for the Administration to decrease or eliminate funding for what is inherently a Federal responsibility."*

Box 2: NMIC and Rare Earth Elements (REEs)

REEs have garnered much attention by the White House, Congress, Department of Defense, and Department of Energy. NMIC is the only agency that calculates import reliance to determine annually how dependent the United States is for its supply of minerals and metals. Requests for NMIC information and analyses of REEs availability and use have skyrocketed just in the past year. The following are key reasons why:

- **The United States is currently dependent on China for most raw REE materials.** China produces more than 97% of the worldwide rare earth oxides.
- **There is only one processor of REEs in the United States.** The manufacturing capabilities required to convert REEs into components needed for U.S. defense systems are virtually non-existent. The one U.S. processor does not have current capacity to produce any of the heavy-group REEs—terbium to lutetium and yttrium—some of the most critical rare earth materials.
- **The United States is a major consumer of REEs, both militarily and commercially.** REEs are used to produce numerous items, including (but not limited to): armaments; automotive catalytic converters; base-metal alloys; batteries for electric and hybrid vehicles; chemical catalysts; color televisions; compact fluorescent lighting; electronic thermometers; glass additives and glass-polishing compounds; lighter flints; missiles; permanent magnets; petroleum fluid cracking and refining catalysts; phosphors; pigments; radar; sonar; superconductors; and x-ray-intensifying screens.

The dependence on China for critical and strategic minerals, such as REEs, has resulted in the White House's Office of Science and Technology forming an Interagency Working Group, which includes intense participation by NMIC, and the introduction of S.383 in the 112th Congress. S. 383, the Critical Minerals and Materials Promotion Act of 2011, would direct the Department of Interior, acting through the USGS, to:

1. provide data and scientific analyses for undiscovered and discovered resources of critical minerals and materials in the United States and other countries, and
2. analyze and assess current and future critical minerals and materials supply chains. [Downstream analyses of supply chains would require additional NMIC resources.]

Testimony

Before the House Interior, Environment and Related Agencies Subcommittee
March 28, 2011

By

Christine Reimer, Government Affairs Director
National Ground Water Association
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The National Ground Water Association (NGWA) requests that \$10-million be included in the U.S. Geological Survey's (USGS) Groundwater Resources Program account to begin implementation of a national groundwater monitoring network. NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater related products and services.

Water is one of the most critical natural resources to human, ecosystem and economic survival. In the United States, 78 percent of community water systems, nearly all of rural America's private household wells, and 42 percent of agricultural irrigation water are supplied by groundwater. While the nation's people, food supply, economy and ecosystems depend on groundwater, no systematic nationwide monitoring network is in place to measure what is currently available and how groundwater levels and quality may be changing over time. As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the nation's economy without key data; one cannot adequately address the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of a critical input – groundwater.

In the face of current and anticipated water supply shortages, public and private sector water professionals have put out the call over the years for increased groundwater monitoring, and the dissemination of the resulting data to the nation.ⁱ And the need to take action continues to this day.ⁱⁱⁱⁱ

Congress listened and responded to these requests for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law 111-11 (Omnibus Public Land Management Act) in 2009. In 2010, six states^{iv} voluntarily pilot tested concepts for a national groundwater monitoring network as developed by the federal Advisory Committee on Water Information's (ACWI)



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Subcommittee on Ground Water (SOGW). If this effort moves forward, consistent, comparable nationwide data would become accessible through a web portal for federal, state, local government and private sector users. In these tight fiscal times, the proposed network would build on existing state and federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

Unfortunately, the Administration's FY 2012 budget request proposes to reduce the USGS's Ground Water Resources Program by 25 percent and delay implementation of a national groundwater monitoring network. We ask that instead of the proposed delay, the Subcommittee redirect \$10 million above the FY 2012 USGS's Ground Water Resources Program budget request to:

1. Provide grants to regional, state, and tribal governments to cost share increased expenses to upgrade monitoring networks for the 50 states to meet the standards necessary to understand the nation's groundwater resources. The shared funding arrangements should be modeled after highly successful cooperative programs (e.g. STATEMAP) that already exist between the U.S. Geological Survey and states; and
2. Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an internet web portal.

The redirection of an appropriation of \$10 million for groundwater monitoring that is being requested here is small in comparison to the entirety of the Department of Interior's appropriations. But the \$10 million appropriation is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides nearly 40% of the nation's drinking water supply. Thank you for your consideration of this request.

The National Ground Water Association is a not-for-profit professional society and trade association for the groundwater industry. NGWA is the largest organization of groundwater professionals in the world. Our more than 12,000 members from all 50 states and 72 countries include some of the leading public and private sector groundwater scientists, engineers, water well contractors, manufacturers, and suppliers of groundwater related products and services. The Association's vision is to be the leading community of groundwater professionals that promotes the responsible development, use and management of groundwater resources.



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ⁱ U.S. Government Accountability Office. Freshwater Supply: States' Views of How Federal Agencies Could Help Them Meet the Challenges of Expected Shortages. (GAO-03-514). July 2003. Page 1.

ⁱⁱ White House Council on Environmental Quality. Progress Report of the Interagency Climate Change Adaptation Task Force: Recommended Actions in Support of a National Climate Change Adaptation Strategy. October 5, 2010. Page 11.

ⁱⁱⁱ U.S. Government Accountability Office. Energy-Water Nexus: A Better and Coordinated Understanding of Water Resources Could Help Mitigate the Impacts of Potential Oil Shale Development. (GAO-11-35). October 2010. Page 39.

^{iv} The six pilot states were Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. Additionally, Idaho, North Carolina, South Carolina, Washington and Wyoming volunteered as pilots but were not included given limited oversight resources.



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**National Indian Education Association
Testimony before the
House Appropriations Committee's
Subcommittee on Interior, Environment and Related Agencies
Hearing on the President's Fiscal Year 2012 Budget
for Tribal Programs
April 12 and 13, 2011
B-308 Rayburn House Office Building**

On behalf of the National Indian Education Association (NIEA), I am Executive Director Colin Kippen (E-mail: ckippen@niea.org Phone: 202-544-7290). Founded in 1970, NIEA is the largest Native education organization in the nation with a membership of over 3,000 American Indian, Alaska Native, and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students. NIEA is dedicated to promoting Native education issues and embraces every opportunity to advocate for the unique educational and culturally related academic needs of Native students. Our key principles are to support and affirm the trust responsibility the Federal government has to Native Americans in the field of education as a result of Federal Treaties, the Federal Constitution, Federal Statutes, Federal Administrative Regulations, Federal Executive Orders, and Federal case law and to ensure that the Federal programs created and funded to meet this trust responsibility are aligned with the culture, language, values, and traditions of the Native students it is intended to serve.

The NIEA believes that education funding is essential to enable Native Americans to become fully functioning and productive members of our economy and to take full advantage of their right to economic self-determination.

We offer our comments on education-related Tribal Programs as contained within the FY 2012 Department of the Interior Budget Request as follows:

(1) Education Construction – Assuring An Adequate Facility to Learn Within

Many school buildings under administration by the Bureau of Indian Education (BIE) and tribes do not meet basic standards necessary to ensure student safety and student success.

We know that the condition and safety of the buildings and facilities within which Native students are educated have a direct bearing on whether or not children are able to learn and perform at their peak, and be kept safe and healthy in the process. For example, in Washington State a principal reported to NIEA that in one portable classroom building the roof and windows leaked, and in two buildings there was a continuous problem with mold in the walls which was difficult to control due to the wet climate. She said that the mold was a health problem for children with certain allergies. In a South Dakota school, a teacher expressed concerns about aging asbestos floor tiles in her classroom that had to be partially removed due to cracking, leaving other tiles exposed. Asbestos floor tiles, which are present in more than 90 of the BIE's schools, can be a threat to the health of students and staff if the asbestos fibers are disturbed, released into the air, and inhaled. Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIE education buildings are 60 years old, while 40 years is the average age for public schools serving the general population. Approximately 65% of school administrators report the physical condition of one or more school buildings as inadequate. See *School Facilities: Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs* (GAO/HEHS-98-47,

Dec. 31, 1997).

In this context, there must be increased funding and a more effective and streamlined process to fully expend the funds appropriated and to begin the construction that is so desperately needed. We know that the Department of the Interior, in developing the FY 2012 budget request, was forced to make difficult decisions and that construction programs across the Department were cut. This is true for Bureau of Indian Affairs (BIA) Education Construction, which is proposed to be funded at \$52.1 million, a decrease of more than \$60 million from the FY 2010 enacted level. Although we understand that the BIE is redirecting funding for Replacement School Construction to Facilities Improvement and Repair, we also know that the physical condition of BIE and tribal schools impacts the achievement of our students and that the present backlog for Indian school construction now exceeds \$2 billion. Unfortunately, the decision to cut funding for school construction is really analogous to battlefield triage – some will live and some will die – but that is not an acceptable choice in Native education. Deferring the critically needed build-out of new school facilities will only bring higher costs in the future and therefore be more difficult to achieve.

(2) Tribal Grant Support Costs – Increasing Tribal Control

Tribal Grant Support Costs (TGSC) foster tribal self-determination by enabling the transfer of both the responsibility and the means for tribal entities to run their own schools and control the education of their youth. The FY 2012 budget asks for the same amount of TGSC funding requested for FY 2011, even though at least two more (and perhaps as many as five) tribal schools will have to be supported by the same \$46.3 million requested. The NIEA appreciates that the FY 2011 request is a \$3 million increase over the FY 2010 enacted level for TGSC's, but the resulting total funding -- \$46.3 million -- would, at best, supply only 65% of the amount required by law. To fully fund TGSC at the statutory formula level, \$72.3 million would be needed. NIEA is concerned that of the amount of TGSC support pales in comparison to the amount of funding provided for contract support costs to accomplish similar self-determination efforts by tribes who operate *non-school* programs of the BIA and the Indian Health Service (IHS). NIEA is hopeful that comparable increases will be provided to tribes and tribal school boards to cover the administrative and indirect costs of exercising local authority and tribal self-determination in assuming the operation of a school.

(3) Specific concerns with the BIE budget. NIEA would like to highlight some other issues that arise from a review of the BIA/BIE FY 2012 education budget.

Indian School Equalization Formula (ISEF). This account supports the basic educational and dormitory programs for BIE schools. The FY 2012 request is only 0.3% higher than the amount sought for FY 2011 and is only 9.5% above the amount provided three years earlier (FY08). This works out to less than a 2% per-year increase, which is not sufficient to keep up with growing costs, even as the BIE acknowledges that only 56 of the 183 schools in the BIE system met Adequate Yearly Progress (AYP) in SY08-09.

Student Transportation. This account must fund all costs of transporting student to and from BIE schools. The FY 2012 amount requested is actually lower than the amount provided in FY 2010 and the amount requested for FY 2011 – despite the enormous increase in motor fuel over the past several years and increased bus leasing costs. BIE estimates its request will provide only \$3.23/mile for school bus costs – the same rate supplied in FY 2010 and the same rate estimated in the FY 2011 budget.

Facilities Operations and Facilities Maintenance. These accounts must fund all operation and maintenance costs of all school and dormitory buildings at 183 campuses. Funding for Facilities Operations and Maintenance has remained at nearly the same level since FY 2004 – despite ever increasing costs for vital services like utilities. The amount supplied to schools is less than 50% of the sums needed.

BIE's Share of Funding for Academic Programs Continues to Decline and its Calculations are Unreliable. The FY 2012 budget says the BIE supplies only 74% of the "overall funding used to operate the BIE elementary and secondary schools" [p. 1A-EDU-5]. In the FY 2011 budget request, the BIE said its share was 76%. The balance of funding comes from the Department of Education. Even if these BIE calculations were accurate, no state in the country would be permitted to let its share of education funding fall to such a low percentage *vis-a-vis* Department of Education funding. The BIE is not meeting its "maintenance of effort" responsibility. BIE's budget analysis lacks transparency. To make an accurate "apples to apples" comparison, BIE must isolate only the funds it supplies for **academic programs** and compare that amount to the Department of Education funding, all of which is targeted for academic programs. Such a calculation would demonstrate the BIE supplies **less than 50%** of the funds spent on BIE school academic programs.

Conclusions regarding BIE Funding. BIE is not meeting its obligation to tell Congress the true level of need to properly operate the school system it created to educate the Indian children at its 183 schools. BIE is undermining Indian self-determination by chronically under-funding the indirect costs of tribes that operate schools. BIE acknowledges the funding requested for Tribal Grant Support Costs would, *at best*, satisfy only 65% of need (even this estimate is undermined by BIE's acknowledgement that more schools will have to be supported by TGSC, but with no increase in funding). By contrast, funding for the indirect costs (called Contract Support Costs or CSC) of *nonschool* tribal contracts, while still inadequate, fares far better than the funding supplied for tribally operated schools. Over the 5-year period of FY08 (enacted) and FY 2012 (requested) –

- IHS CSC increased by \$194.4 million; a difference of +72.7%.
- BIA CSC increased by \$48.2 million; a difference of +32.7%.
- BIE TGSC would increase by \$3 million; a difference of +6.9% -- but this is still subject to appropriation. If not appropriated for FY11 or FY12, TGSC increase would be 0% for this period.

NIEA recommends that if TGSC cannot be funded at the full level of need, this item should be at least funded at 75% of need -- \$54.2 million.

(4) Residential Education Placement Program – Serving the Most Vulnerable Native Kids and Families. The Residential Education Placement Program (REPP) supports the BIE-funded schools for students who require 24/7 residential treatment services. The primary responsibility of the REPP Education Specialist is to provide technical assistance on all referrals and placements made at residential programs. These programs consist of Residential Treatment Centers (RTC) as well as comprehensive care, education-focused programs, behavioral health care, etc. The REPP Education Specialist also assists schools with the referral and placement process (including identifying resources) for students in need of residential programming.

In FY 2010 and 2011 CR this program was funded at \$3.76 million. President Obama's budget would zero out this program for FY 2012. His budget implies that this critical program is not necessary because the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA) require schools to provide educational services and the Department of Education provides funds for children with disabilities which may be used for the same purposes as the REPP.

NIEA urges the Committee to support the restoration of this funding. This program supports the most vulnerable students of the already vulnerable Native student population. Loss of this program would be devastating for these students and for their families.

(5) NIEA urges the Committee to support the Johnson O'Malley Program (JOM) and requests that it be fully funded. The JOM program was funded at \$24 million in FY 1994. In the President's FY 2012 budget, JOM would receive \$13.402 million under the education line item. The budget also indicates that JOM would receive \$7.189 million under self-governance and \$919,000 under the Consolidated Tribal Government Program (CTGP). Totalling all of these equals \$21.51 million.

JOM is a program critical to thousands of American Indian students across this country. First authorized in 1934, JOM was designed to provide assistance to Indian children located outside of the BIA school system. Presently JOM is a supplemental aid program to Indian students from pre-kindergarten through twelfth grade who attend public schools. The JOM programs are located in 32 states, often serving very poor and geographically isolated students.

Unique to this program, the local JOM programs are run by an Indian Education Committee (IEC) whose members are elected from among the parents and guardians of eligible Indian students enrolled in schools served by a JOM contract. The IEC conducts an annual needs assessment that results in the development of education plans in cooperation with the subcontractors. The education plans are as varied as the areas in which students are located -- which is consistent with the intent of JOM. The IEC plays a critical role in the planning, development, implementation, and evaluation of all the JOM programs for purposes of designing a program that meets the educational goals and needs of each unique community.

The uniqueness of the IEC system is one reason why the JOM program should not be considered duplicative of other programs. The framers of the authorizing language saw the need to create a program that allows parents, at a very "grassroots" level, to be involved with and administer to the specific educational needs of the Indian community. This makes JOM special. But in addition to this, JOM was designed to be a supplemental program, not like other programs administered by the Federal government such as the NCLB that specifically requires funding to go toward making Adequate Yearly Progress (AYP). JOM funding permits students, who otherwise would not be able to afford it, to receive funding for things such as SAT preparation, athletic equipment, eye glasses, after school tutoring, culturally specific education, and countless other "supplemental" programs and related needs. Certainly, a side effect of the supplemental help received through JOM means that Indian students are able to excel academically. However, JOM has other specific goals, separate from the mandate of other Federal laws.

Conclusion. It is our hope that this hearing will serve as a catalyst for future hearings on Native education to better understand the opportunities, issues, and barriers facing Native families and children. We stand ready to assist the Committee in anyway we can and thank you for this opportunity to testify. Although the challenges are daunting, we have high hopes that the future is bright for Native education.



**Statement of Dr. Deborah L. Swackhamer
Co-Director, Minnesota Water Resources Center
On behalf of the National Institutes of Water Resources to the
Committee on Appropriations, Subcommittee on Interior, Environment
and Related Agencies, March 28, 2011**

Chairman Simpson and Ranking Member Moran:

My name is Deborah Swackhamer, and I am a Professor in the schools of Public Health and Public Affairs at the University of Minnesota, Minneapolis and Co-director of the University's Water Resources Center. I am testifying today on behalf of the National Institutes of Water Resources (NIWR), the organization that collectively represents the state water resources research institutes. I serve as President of this organization. My statement is in support of restoration of funding for the Water Resources Research Act programs as part of the FY 2012 U.S. Geological Survey's budget.

The Water Resources Research Act (42 U.S.C. 10301 et seq.) establishes a federal/state/university partnership in water resources research, education, and information transfer and dissemination. There are a total of 54 Water Resources Research Institutes located at the land grant universities of the 50 states, as well as in the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. The Act authorized a state-based network of institutes dedicated to solving problems of water supply and water quality in partnership with universities, local governments and the general public. It is the only federally mandated research network that focuses on applied water resources research, education, training and outreach. These institutes provide a direct and vital link between federal water interests and needs, and the academic expertise located within the states' research universities. This provides a mechanism for ensuring state, regional, and national coordination of water resources research, the education of future water professionals, and the transfer of results and outcomes to state and federal water professionals. The matching requirements of the program ensure that states invest in water research and training.

The Water Resources Research Act authorizes the two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program which is divided up equally among the institutes. There is a requirement that each federal dollar must be matched by 2 non-federal dollars, and that federal funds cannot be used to pay indirect costs at the universities. This is the strictest match requirement of any federal research program. Each Institute uses these funds to leverage research and/or student training through a state-wide competitive grants process. In FY2010, each Institute received \$92,335, equaling a total appropriation for the base program of \$5.2 million. NIWR respectfully requests the Subcommittee provide \$7 million in FY2012 for competitive water supply research seed grants,

technology transfer, professional education, and outreach to the water-user community by the Institutes (\$125,000 per institute).

The second grant component is a national competitive grants program that has the objective of supporting research on water resources problems that are regional or national in nature. This program typically receives 50-60 applications annually, which undergo rigorous peer review from a national panel. This panel selects 7-8 projects for funding, making it as competitive and as rigorously peer-reviewed as other federal research programs. The water resources research institute directors respectfully recommend the Subcommittee provide \$1.5 million in FY2012 to support the national competitive research grants program.

Let me address the effectiveness of this program, and do this from my perspective as an academic researcher, and as one of the Institute directors. Let me share with you some personal stories from the University of Minnesota's Water Resources Center. First, let me talk about research quality and impact. Our Center awards approximately 3 grants per year, and with the leveraging requirement, we are able to sponsor research that is valued at three times the federal investment. The impact of our research has been felt across a range of water issues, from storm water management to agricultural practices to the development of wireless monitoring technologies. Our research results have been used by the state environmental and natural resource agencies to improve Total Maximum Daily Load studies in the state, identify pollutant sources affecting water quality, and to identify priorities for the state in terms of water management. Working with the state agencies, the Minnesota Legislature, the local and regional water management organizations, and the general public, we just completed a 25 year Water Sustainability Framework – a long-term roadmap for the state to follow to ensure adequate water supply and quality for human and ecological uses for all future generations. Several other Institutes are also engaged in state-wide water planning.

The Minnesota Water Resources Center sponsors an annual conference for water professionals, managers, and researchers. The attendance has grown to more than 700 professionals, from the state agencies to water organizations to private consultants to college and university researchers. It is a highly successful event that greatly contributes to information transfer and dissemination, in that it brings these different audiences together for two days of presentations, workshops, and national plenary speakers. It is the one time of year that the entire water resources community comes together under one roof. We also have an extensive website, hold 75 or more training and education workshops a year, and now include social media platforms (Facebook, Twitter) in our dissemination activities. Like most Institutes in the program, we produce a newsletter and distribute it to thousands of readers, both electronically and in print.

Minnesota has a highly successful graduate education program in Water Resources Science, inspired by the Water Resources Research Institute program. Masters and PhD students must take a rigorous, interdisciplinary curriculum that prepares them for any and all aspects of water resources-related careers, including water chemistry, biology, engineering, and policy. We have over 100 faculty that assist in teaching and advising within this program, and have approximately 80 active students from around the country and the world. We have graduated approximately 100 MS students and 30 PhD students since this program began 14 years ago, and they are making an impact in positions within federal agencies, state agencies, private industry, consulting firms,

non-governmental organizations, and academia. The training of students is a critical role for our Institutes, to provide future professionals to invigorate and backfill a water resources workforce.

The Minnesota Water Resources Center uses the appropriation from the Geological Survey and leverages institutional support and research support through the 2:1 matching requirement. Institutionally, the University of Minnesota recognizes the value and continuity of this federally authorized center, and invests in it through my salary and a staff administrator. The University of Minnesota Extension has developed joint programs with our Center, and we are a large part of their water outreach and public engagement, especially on small community septic systems and on agricultural best management practices to protect water quality. Because of the institutional support and the foundation that the WRRRI platform provides, we are successful at competing for funds to do additional research, education and outreach. We receive a little more than \$92,000 from our appropriation annually, and turn this into a \$3 to \$4 million dollar budget, resulting in an investment ratio of 30 or 40 to one. Other institutes are also effective at utilizing the USGS investment to make a difference in their states, with an overall program ratio of about 15 to 1. As a result, this is one of the most cost-effective, cost-shared national research programs in the country. We take a trickle, and turn it into a river – with results and impacts to match.

The Act places the Institutes at land-grant universities, where in coordination with their Extension services, they specialize in identifying problems within their states, developing solutions to those problems, and engaging with the public to implement those solutions. One of the Institute program's greatest strengths is that the research funded by each Institute is tailored to that state's needs, based on priorities set by consultation with an advisory panel.

I would like to cite several examples of research conducted by institutes across the country.

- *The Idaho Institute Develops Satellite Based ET Measurements to Increase Water Availability:* Idaho Water Resources Research Institute scientists, in collaboration with the Idaho Department of Water Resources have developed tools to quantify real-time water use by irrigated crops through satellite based remote sensing at the field, irrigation district and regional scale. Using surface temperature readings from satellites, air temperature and a system of algorithms, this tool lets water resource managers measure how much water is "consumed" on a given piece of land through evapotranspiration. This technology has the potential to significantly increase the availability of water for multiple uses in the Western region of the country, especially during the late spring and early summer months. The tool is called METRIC (Mapping EvapoTranspiration with High Resolution and Internalized Calibration) and is currently being used by 11 states.

- *The Arizona Water Resources Research Center* engages in research, education and outreach related to water management and policy in growing, semi-arid regions. A collaborative project involving several researchers from the University of Arizona is examining the impacts of warming temperatures and urban heat islands on the water demands of growing cities. The urban heat island phenomenon, in which an urban area's temperature remains higher than the surrounding area due to building materials' ability to retain heat, is a particular challenge for cities in arid and semi-arid states where water is required for the vegetation used to counter the heat. Using climate station data and satellite imagery to relate heat island data to residential outdoor water use and results from a small competitive WRRRA grant, researchers recently caught

the attention of the U.S. Department of the Interior's Bureau of Reclamation, winning them a much sought-after WaterSMART grant. The grant will allow the research team to develop a database to provide scientific support for decision-making by water users, neighborhood groups, utilities and local governments.

- *The Virginia Center Creates the Stormwater Best Management Practices (BPM)*

Clearinghouse: The Virginia Water Resources Research Center is partnering with the Virginia Department of Conservation and Recreation and the Virginia Stormwater BMP Clearinghouse Committee to produce a publically accessible web site to serve as Virginia's reference site for BMPs. The web site will link the Virginia Stormwater Management Handbook and will provide supplemental information about BMPs, BMP selection tools, research protocols to validate performance claims for manufactured BMPs, and manufactured BMPs certified for use in Virginia.

- *The Oklahoma Water Resources Research Institute Leads in State and National Water*

Planning: The Oklahoma Water Resources Research Institute is in the final year of a four year project to help Oklahoma update its comprehensive water plan. Through this innovative process designed to involve the public in water planning, over 2,300 people have had the opportunity to help shape Oklahoma's water future. Fostering public dialogue leading to a water plan that is both technically sound and supported by the state's citizens was the goal of our process. We are pleased that the process resulted in 56 recommendations for improving water resource management. The Oklahoma Water Resources Board is utilizing the 56 recommendations and the results of its technical analysis of water resources to write the plan, which will be released in fall 2011. The process has already been held up as a model both for its unique partnering of Federal and state dollars and agencies, and for the extent of its public involvement.

- *The Wyoming Water Institute Examines the Efficacy of Cloud Seeding:* The State of Wyoming initiated an ambitious weather modification pilot project to assess the efficacy of utilizing cloud seeding as a long term water management strategy. Because of the large natural variability of precipitation and the relatively small seeding effect expected, no single analysis can be convincing regarding the effect of seeding. It is necessary to build multiple layers of evidence to provide a consistent picture of the effect of cloud seeding. The Wyoming Water Institute is supporting a project to examine the cloud microphysical processes in manmade plumes of silver-iodide ice nuclei dispersed upwind of the Medicine Bow Range and to provide another layer of physical evidence. Using an airborne vertically-pointing Doppler radar, the Wyoming Institute funded 7 research flights, and composite radar data from these flights, each with a no-seeding period followed by a seeding period, indicate that radar reflectivity near the ground was higher during the seeding periods, implying an increase in snowfall rate of about 25%.

For more than 4 decades the Water Resources Research Institutes have provided research results and impacts to our nation, and proved successful at bringing new water professionals into the work force. NIWR recommends the Subcommittee provide \$8.8 million to the USGS for the Water Resources Research Institute Program for FY 2012. This includes \$7 million for institutional grants, \$1.5 million for national competitive grants, and \$300,000 for USGS administration. I thank you on behalf of all the Institute directors for the opportunity to testify to this Subcommittee, and for your past support of this program.

April 1, 2011

The Honorable Mike Simpson
Chairman
House Interior and Environment
Appropriations Subcommittee
Washington, DC 20515

The Honorable James Moran
Ranking Member
House Interior and Environment
Appropriations Subcommittee
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The administration has targeted the U.S. Geological Survey's (USGS) Mineral Resources Program (MRP), which includes the National Minerals Information Center (NMIC), for a substantial funding cut in the FY 2012 USGS budget request. As you are aware, the mission of the NMIC, formerly the Minerals Information Team, is to collect, report and analyze national and international data on the supply of nonfuel minerals critical to the U.S. economy and national security. President Obama's proposed cut to NMIC of \$2.7 million, or 17 percent, would severely limit the NMIC's ability to produce accurate and timely data by eliminating the international data collection and analyses component. We urge you to restore the \$2.7 million to NMIC's budget and increase by \$6.6 million the full authorized funding for this important program in the upcoming FY 12 interior and environment appropriations bill.

Since Congress transferred the NMIC from the former U.S. Bureau of Mines to the USGS in FY 1996, it has suffered a continually shrinking budget, yet its mandate and importance has not changed. It is the only organization tasked with providing a comprehensive source of nonfuel mineral analyses to all levels of domestic government, including the Department of Defense to help manage the National Defense Stockpile. The United States is the world's largest user of mineral commodities, with processed materials of mineral origin accounting for more than \$578 billion in the U.S. economy in 2010. The NMIC found in 2010 that U.S. import reliance was more than 50 percent for 43 minerals critical to national security and the economy and 100 percent reliant for 18 other minerals.

The NMIC should be better supported and fully funded. NMIC's budget has been arbitrarily maintained at roughly 30 percent of the USGS MRP budget ever since its transfer to the USGS. This is despite increasing requests for further collaboration by the NMIC customers (including the mining industry, Congress, other federal agencies and the White House) and recommendations by the National Research Council in its 2008 report, "Minerals, Critical Minerals, and the U.S. Economy," as well as the 2011 report by the American Physical Society and Materials Research Society titled, "Energy Critical Elements: Securing Materials for Emerging Technologies."

Both the public and private sectors use the information in the reports issued by the NMIC to better understand supply, demand and the end use of minerals, including rare earth elements and other critical energy elements essential for defense systems, wind turbines, computer hard drives, precision-guided munitions and hybrid-electric batteries. These data are essential for the effective use of our natural resources and for accurate forecasting. Considering there is no other unbiased source for these

comprehensive data, the loss of this information will place domestic users and manufacturers at a severe disadvantage. Reduced funding for the USGS and its minerals information center is counterproductive to the administration's stated goal of energy independence for the U.S.

We greatly appreciate your past support for the program and urge you to again support full funding of the NMIC, so it may continue to produce the reports that are so vital to the economy and national security of the U.S.

If you have questions or for more information, please do not hesitate to contact Kris Ballweg, Director of Government Affairs with the National Mining Association, via telephone at (202) 463-2622 or via e-mail at kballweg@nma.org.

Sincerely,

Aluminum Association
 American Association of Petroleum Geologists
 American Association of State Geologists
 American Geological Institute
 Industrial Minerals Association – North America
 International Association of Machinists and Aerospace Workers
 National Federation of Federal Employees
 National Lime Association
 National Mining Association
 National Stone, Sand and Gravel Association
 Northwest Mining Association
 Portland Cement Association
 Society for Mining, Metallurgy and Exploration
 Steel Manufacturers Association
 U.S. Magnetic Materials Association

**Written Testimony of Barbara Tulipane, CEO on behalf of
The National Recreation and Park Association
Interior Appropriations Subcommittee
Regarding Fiscal Year 2012 Appropriations
March 28, 2011**

Thank you Chairman Simpson, Ranking Member Moran, and other honorable members of the subcommittee for this opportunity to submit written testimony on the Fiscal Year 2012 Interior Appropriations bill.

The National Recreation and Park Association (NRPA) is a national, non-profit organization with a mission of advancing parks, recreation and environmental conservation efforts that enhance the quality of life for all people. Park and recreation agencies touch the lives of every American in every community. Through our network of approximately 20,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, regional park authorities, and citizens concerned with ensuring close-to-home access to parks and recreation opportunities in their communities.

As your subcommittee works to craft the Fiscal Year 2012 Appropriations bill, we request that you do NOT zero out funding for the Land and Water Conservation Fund (LWCF). While we recognize that these are tough economic times, funding for the LWCF is a budget neutral item because the program is authorized for this amount to be paid for with oil and gas leasing revenue. Additionally, LWCF is much more than a federal land acquisition program. It also provides grants to states and local communities, grants that must be matched dollar-for-dollar, for the construction of outdoor recreation projects which create jobs and build healthy communities. We, therefore, specifically request that you to invest in the nation's local communities by allocating a minimum of forty-percent of total LWCF appropriations to the State Assistance program in FY 2012.

By ensuring an allocation of forty-percent, the subcommittee has the opportunity to make a worthwhile contribution to the economy since every state in the nation annually receives funding through the LWCF State Assistance program, which has funded projects in ninety-eight percent of counties. The LWCF State Assistance program provides critical investments in close-to-home parks and outdoor recreation infrastructure in urban population centers as well as rural area. This funding is used for capital projects and cannot be used for operations.

In a report prepared by the National Park Service in March of 2011, it is documented that the FY 2009 the \$40 million appropriated to the LWCF State Assistance program made a direct impact on park and recreation facilities in or near 221 local communities, helped communities make 5,905 new acres available for outdoor recreation use and enjoyment and helped "encourage active participation to strengthen the health and vitality of the citizens of the United States pursuant to the original intent of the Act."

Finally, beyond the program's direct assistance to develop and enhance facilities, every assisted site is protected against conversion to non-recreation use to ensure the federal and state/local investment remains available for recreational use, not just for today's citizens, but for all future generations of Americans. In FY 2010, the LWCF State Assistance stewardship protection was expanded by a total of 34,367 acres.

According to a 2010 report by the National Park Service, our country faces \$12.1 billion in unmet need relative to outdoor recreational resources. For example, according to the National Park Service:

- Expanding and developing Virginia's state park system heads the list of critical projects, totaling \$105,431,465 that went unfunded.
- Kansas state parks saw a 32% increase in 2009 visitation, which contributed to an increase in unmet needs of \$101 million for the State's parks and outdoor recreation facilities.
- Washington's estimated unmet need of \$227.4 million represents a diverse portfolio of outdoor recreation projects, including acquisition, new construction, and the renovation of aging recreational sites.

There is undoubtedly need for a continued robust investment. Funding provided through LWCF State Assistance not only provides necessary community resources for outdoor recreation opportunities, community health resources, and environmental stewardship, it also stimulates state and local economies, and job creation.

It is obvious that LWCF State Assistance funds are vital to many states and literally determines whether local, regional, or state park recreation facilities are available for public use. The need for recreational resources has exponentially increased at a rate that simply cannot be met with local resources alone. Federal assistance is required to meet the growing demand.

LWCF State Assistance Stimulates Jobs Creation and Local Economies

Projects funded through the LWCF State Assistance program stimulate outdoor recreation and local economies. Close-to-home recreation has become increasingly important as a result of the current economic downturn. The National Association of State Park Directors reports that America's state park system contributes \$20 billion to local and state economies. Additionally, The Outdoor Industry Association reports that recreation contributes \$730 billion annually to the U.S. economy, supports 6.5 million jobs across the country (this equates to 1 in every 20 jobs), generates \$49 billion in annual national tax revenue, produces \$289 billion annually in retail sales and services across the U.S., and provides sustainable growth in rural communities.

As you can see from the examples below, the LWCF State Assistance program has an incredible impact on job creation in states throughout the country.

In Idaho, the LWCF State Assistance has funded projects such as the Modie Wildlife Park and Riverfront Park which ensure the citizens of Idaho stay connected with nature, active, and healthy. The Idaho Active Outdoor Recreation Economy supports 37,000 jobs

across Idaho, generates \$154 million in annual state tax revenue, and produces \$2.2 billion annually in retail sales and services across Idaho – more than a 5 % of gross state product.

Virtually every community in New York has acquired and/or developed outdoor recreational facilities with the help of the LWCF. As a result, the New York Active Outdoor Recreation economy supports 130,000 jobs across New York, generates nearly \$800 million in annual state tax revenue, and produces \$11.3 billion annually in retail sales and services.

Arizonans also recreate close-to-home in local parks and venues. Parks like the De Anza Trail help the Arizona Active Outdoor Recreation Economy support 82,000 jobs across Arizona, generate nearly \$350 million in annual state tax revenue, and produce almost \$5 billion annually in retail sales and services.

Without the continued support by the government for the nation's treasured parks and recreation sites, Congress would effectively contribute to state unemployment rates and budget deficits.

Public Health

The LWCF State Assistance program plays a critical role in advancing parks and recreation that directly contributes to fighting our nation's obesity and "Type 2" diabetes epidemics. Several medical studies have shown that there is a strong correlation between proximity to recreational facilities and parks and physical activity. It is estimated that obesity costs the United States government about \$344 billion in medical-related expenses by 2018, accounting for approximately 21% of health-care spending. The CDC currently estimates 65% of adults and 16% of children are overweight or obese, and even small improvements in the lifestyles of Americans would yield marked health improvements and contribute substantially to decreasing the nation's rising health care costs. In fact, CDC notes that the creation of or enhanced access to places for physical activity led to a 25.6% increase in the percentage of people exercising on three or more days per week. Investing in programs such as the LWCF State Assistance program would provide a significant return on investment through the **reduction** in health care costs.

Environmental Benefits

The LWCF State Assistance program not only meets important national goals and delivers tangible benefits to the American public by improving health, providing recreation opportunities to all Americans, and improving communities through economic development, it also significantly contributes to protecting our environment and promoting environmental stewardship. LWCF State Assistance projects have a historical record of contributing to reduced and delayed stormwater runoff volumes, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

LWCF State Assistance: Addressing National Issues on the Local Level

The following examples, provided by the National Park Service:

Focal Points of Close-to-Home access to Health and the Outdoors in Urban Areas

In Clark County, Washington, LWCF funding enabled the Salmon Creek Greenspace to acquire uplands and riparian wetlands at the confluence of Salmon Creek and Morgan Creek will provide new trail access for hiking, walking and trail running. The 64-acre acquisition protects critical open space within the City of Battle Ground.

In Davis County, Utah, the Farmington Ranches Neighborhood Park project will use LWCF funding to help create a new 8-acre city park within a rapidly developing subdivision of Western Farmington. Phase one will include restrooms, walkways, picnic area, a playground, ball courts, landscaping and a sprinkler system.

Economic Development and Community Benefits of Parks and Access to Recreation

In Kern County, California, Annin Avenue Recreation Park received LWCF funding to acquire approximately 12 acres of land, previously slated for industrial use, to develop a vital green space for sports activities in a low income agricultural community. Annin Avenue Recreation Park will add nine AYSO-regulation soccer fields and two baseball fields.

In Craig County, Virginia, with the nearest comparable recreation facilities a 30-50 minute drive, county residents will welcome the new Craig County Recreation Complex supported by the acquisition of 18 acres using LWCF State Assistance funding. Current plans include facilities for baseball, softball, soccer, ADA accessible trails, picnicking and passive recreation.

Mr. Chairman and members of the subcommittee, parks and recreation agencies are not merely community amenities; they are essential services which are necessary for the economic and environmental vitality as well as physical wellness of communities throughout this country. By providing funding for LWCF's State Assistance program, which has proven itself invaluable to addressing national issues, Congress would be investing in the health and well-being of communities across this nation from the standpoint of economic recovery, environmental protection, as well as providing safe and affordable places for recreation. Because this investment has a positive impact on the national economy in the areas through job creation and local economic stimulation, now is the ideal time to invest into this program that has been underfunded over the years. The lack of required federal operations, maintenance, and staff funding of these state and local projects is yet another reason why investment is advantageous to the American taxpayer.

Thank you for this opportunity to present testimony. Please do not hesitate to contact Stacey Pine, Chief Government Affairs for NRPA at 202-887-0290 or spine@nrpa.org for more information

Jerry Pardilla
Executive Director, National Tribal Environmental Council
Testimony on FY 2012 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

On behalf of the National Tribal Environmental Council (NTEC) and our 187 member tribes, we thank you for the opportunity to provide FY 2012 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 565 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

I. Bureau of Indian Affairs (BIA)

Interior Department (DOI) Climate Change Adaptation Initiative (Cooperative Landscape Conservation)

Increase the Bureau of Indian Affairs' allocation of the Interior Department's Climate Change Adaptation Initiative to \$8.75 million.

DOI began a Climate Change Adaptation Initiative in 2009, an undertaking that Indian tribes support in principle. The Administration's FY 2012 budget request for the initiative is \$175 million, an increase of \$39 million over 2010/2011 CR. The \$136 million for the initiative in 2010/2011 CR did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2012 budget. Of the \$175 million, **only** \$200,000 (taken from an existing BIA Real Estate Services account) will be used to involve and assist Indian tribes in the North Pacific cooperative. As such, tribes are accorded a mere **.001%** of the funding for participation in only one of twenty-one Landscape Conservation Cooperatives. This contradicts DOI's statement that it "is working collaboratively across its bureaus, with other Federal agencies, State, and **tribal governments**, and non-governmental organizations to leverage fiscal resources and expertise and focus them on conservation of the Nation's different ecosystems."¹ Moreover, this is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base, but represent a higher percentage if compared to the federal lands involved in the initiative. Tribal lands comprise 95 million acres

¹ *Fiscal Year 2012 The Interior Budget in Brief*, DH-37, emphasis added.

which, divided by the total 587 million acres of federal land, equal 16 percent. Tribal lands include 11 million acres more than NPS, yet the Administration proposed nearly 50 times more funding for NPS in FY 2012.

Agency	Acres (in millions)
BLM	258
FWS	150
BIA/Tribes	95
NPS	84
Total	587

Given that tribal natural resources have been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to \$8.75 million, or 5% of DOI's Climate Change Adaptation initiative, for tribes to address and adapt to the impacts of climate change.** To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. **We request that you include language in the bill directing the Secretary to set aside these funds for tribes.**

Trust Natural Resources Program

Increase FY 2010/2011 CR amount of \$175.62 million by at least \$13.36 million for Bureau of Indian Affairs Trust Natural Resources Program.

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. There are several modest increases in the FY 2012 budget request, such as \$1 million each for Rights Protection Implementation, Tribal Management/Development, Forestry, Water Management Planning and Pre-Development, Wildlife and Parks, and Wildlife and Parks fish hatchery projects, and \$500,000 for Invasive Species. Even with these increases, base programs that fund tribes' daily conservation responsibilities are funded at levels less than a decade ago.

In 1999, the BIA reported that tribes had more than \$356 million of unmet annual needs for natural resource management.² Despite some annual increases since then, the BIA and tribes have lagged significantly behind in funding compared to other Interior agencies. For example, the FY 2012 budget requests increases of \$138 million for NPS and \$48 million for FWS, yet the request for BIA is a **decrease** of \$119 million. Moreover, in the last nine years the BIA budget has grown only 8% compared to an average of over 23% for other Interior agencies (FWS: 30%; NPS: 28%; USGS: 19%; BLM: 13%). Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied.

The FY 2012 request is \$13.36 million less than the FY 2010 enacted level primarily due to a shift of Minerals and Mining (M&M) funding from TNR to economic development and modest decreases to a variety of TNR programs. We acknowledge that the shift of M&M means the

² U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

money still exists but in a different place. However, due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource base programs, we believe it is vital to augment TNR base funding with a respective amount. **Thus, we request at least a \$13.36 million increase over 2010/2011 CR levels to BIA TNR core programs.**

II. U.S. Fish and Wildlife Service (FWS)

Tribal Wildlife Grants Program

Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants funding to \$9.4 million.

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than \$30 million annually. In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding \$7 million to tribes with a meager average award of \$170,000. With 565 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In FY 2010/2011 CR, states received nearly \$1 billion from the Pittman-Robertson, Dingell-Johnson, and State Wildlife Grants programs. Thus, the \$7 million tribes received from the TWG program was **only .007%** of the amount states received. From 2002-2010, states received nearly 86 times more FWS funding than tribes for fish and wildlife conservation, or \$6.25 billion for states compared to \$72.2 million for tribes.³

Since the inception of the TWG program in 2002, no more than \$7 million per year has been made available on a competitive basis to the nation's 565 federally recognized tribes. We are pleased to see the FY 2012 request of a \$1 million increase to TWG program funding over FY 2010/2011 CR. Yet, at this low level of funding, very few tribes receive any TWG funding; those receiving TWG funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In FY 2010, the State portion of the State and Tribal Wildlife Grant Program was increased by \$15 million (20% over FY 2009). Tribes deserved at least the same 20 percent increase in FY 2010, which would have amounted to \$1.4 million. Thus **we request that TWG Program funding be increased to \$9.4 million for FY 2012 (\$1 million from FY 2012 request plus 20% FY 2010 increase).**

America's Great Outdoors (AGO) and Youth in the Great Outdoors (YGO) Initiatives

Set aside \$7.5 million of the America's Great Outdoors initiative for tribes. Set aside \$2.34 million of the Youth in the Great Outdoors initiative for tribes.

³ In this example, state funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

The AGO initiative “seeks to empower all American citizens, community groups, and local, State and tribal governments to share in the leadership responsibility for protecting, improving, and providing greater access to natural areas and their resources and leaving a healthy, vibrant outdoor legacy for generations to come.” Tribes support these goals for protecting natural resources for current and future generations. Despite DOI’s written commitment to partner with tribes in its FY 2012 Budget in Brief and the declaration that the AGO initiative directs FWS to “build on...tribal priorities for conservation,” there is no dedicated funding for tribes to participate in the AGO initiative.⁴ The FY2012 request for the AGO is \$5.5 billion, including \$150 million for partnership programs. **We request that at least 5%, or \$7.5 million, be allocated to tribes via the BIA or FWS for participation and partnership in the AGO initiative.**

DOI, via the YGO initiative, likewise aims to engage and partner with tribes to employ, educate, and engage youth to explore, connect with, and preserve America’s natural and cultural heritage. We appreciate that the BIA and other Interior agencies have employed and engaged tribal youth in these programs in the past, but there seems to be no dedicated funds to ensuring sustainable tribal youth engagement. The FY 2012 request for the YGO initiative is \$46.8 million. **We request that 5%, or \$2.34 million, be allocated and dedicated to tribes via the BIA or FWS for participation and partnership in the YGO initiative.**

III. Environmental Protection Agency (EPA)

General Assistance Program

Preserve the Administration’s FY 2012 request of \$71.4 million for the EPA General Assistance Program.

Since 1992, the EPA’s Indian Environmental General Assistance Program (GAP) has served a critical need in providing funding to tribes to build capacity for environmental management. The FY 2012 budget request includes a much-needed \$8.5 million increase for GAP. This requested increase will help tribes to continue to build environmental capacity and further advance efforts to manage tribal environments. **We request that the EPA GAP Program be funded at the proposed \$71.4 million level.**

Multimedia Tribal Implementation Grants Program

Preserve the Administration’s FY 2012 request of \$20 million for the Multimedia Tribal Implementation Grants Program.

The FY 2012 budget request for EPA proposes a new Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide \$20 million (\$12 million less than the FY 2011 request) for tribes to address their most pressing environmental needs. This program would allow tribes to move beyond the planning measures supported by GAP and allow them to begin implementing tribal environmental priorities. **We request that the Multimedia Tribal Grants be funded at the proposed \$20 million level.**

⁴ Interior Budget in Brief, DH 4-5 and BH 61.

Submitted by National WH&B Advocate Team to Congress 2/11; updated 3/25/11.
 Contacts: C. Bowers, carla84bowers@yahoo.com; L. Peebles, lpeeple50@gmail.com;
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Re: DOI/BLM Wild Horse & Burro Program - Retain \$64M FY10 Funding Level for FY11 CR and FY12 Budget - Reject \$12M Proposed Increases for Both Years to Temporarily Suspend Roundups/Removals until Program Completely Reformed

This is an urgent call to the Appropriations Committees and Congress delegates to cut spending for roundups/removals of America's threatened wild horses and burros through FY11 and FY12 appropriations. The appropriation powers vested in Congress must be used immediately to stop the waste of millions of tax dollars and to save America's fast-disappearing national treasures, the famous wild horses and burros of the West. Independent research using BLM numbers and methodology has uncovered the following:

Fiscally Irresponsible Management – Millions of Tax Dollars Wasted

- The BLM is creating the out-of-control costs of the Program by taking wild horses and burros off the range, including non-excess animals, and by not allocating reasonable resources to them on their legal Western public lands. The herds are better managed on the range at very little cost using limited fertility control & scientifically-based, reformed management protocols.
- Millions of taxpayer dollars are being wasted on the unnecessary, inhumane roundups and removals of herds, \$10M in FY10, and the warehousing of animals, \$36M in FY10.
- Millions of taxpayer dollars are spent to support the BLM Grazing Program for less than 0.5% of the total U.S. livestock inventory at a loss of \$123M to \$500M per year.
- The 2008 GAO report stated the Program lacks accountability, science and fiscal sustainability.

Dangerously Low Numbers On The Range – BLM Removing Non-Excess WH&B

- 26,600 is the BLM's targeted national appropriate management level, which is "in ecological balance with their occupied habitat" (President's FY11 Proposed Budget, pg. IV-79). Research shows BLM appears to be using taxpayer dollars to unnecessarily round up non-excess animals below 26,600 in violation of the 1971 Act.
- Estimated WH&B numbers on the range are very much lower than the 38,000 BLM is currently reporting. The numbers could be as low as 18,000. (see Report pg. 5)
- Estimated WH&B numbers on the range are over-inflated. (see Report pg. 7)
- 26,600 are extremely low numbers for long-term survival of the protected herds. Of that number, burros are in grave danger at only about 3,000 left in the wild. The majority of herds on the range consist of numbers well below the 150 animals per herd considered necessary for sustainability over time.
- BLM's own numbers and census methodology projected forward leave only an estimated 5,700 animals on the range by the end of FY12 - a sure setup for extinction.

Minimal Land / Forage / Water Allocated For Sustainability Over Time – Constant Downward Trend

- The herds are not overpopulated. They are under-allocated land, forage and water.
- They are being squeezed off their legal public lands. The original 53M acres where they were found in 1971 have been reduced to <26M acres. Continued reductions are planned.
- The herds are restricted to these <26M BLM acres or <4% out of 650M total Federal public land acres, which includes 245M BLM acres. (see Report pg. 12)
- Livestock graze over 239M USFS and BLM acres, which includes the <26M acres to which iconic herds are restricted in their Herd Management Areas or HMAs. On the HMAs, livestock are given preference and are allocated the majority of forage compared to the legally protected herds. 3-15 times more forage goes to livestock. (see Report pg. 10)
- 339 Herd Areas, or HAs, in 1971 (317 per 2005 CRS Report) have been reduced down to BLM's count of 180 HAs and HMAs. Needless to say, hundreds of unique herds have been zeroed out and lost forever over the last 40 years.

Lack of Science, Consistency, Accuracy, Credibility, Transparency

- BLM's published data over the Program life is inaccurate, inconsistent, non-credible and non-transparent.
- No state-of-the-art, scientific census of actual WH&B numbers on the range has ever been undertaken to substantiate the Program goals.
- Current on-the-range management practices lack science and long-term efficacy studies on fertility treatment, sex ratio adjustments, herd/band behavior/dynamics/health and the causes of compensatory reproduction. Current roundup methods are inhumane as demonstrated by ample documentary evidence.
- Program lacks true independent peer review and accountability.
- Forced to acknowledge the lack of a science-based Program, BLM has engaged the National Academy of Sciences to analyze the whole Program and make recommendations. This could be a 2-year study and will be a waste of time and more taxpayer dollars if massive roundups/removals are not halted to coincide with the study.

America asks Congress to defund the wasteful, destructive roundups/removals of wild horses and burros through the appropriations process until proper reforms and humane, science-based, on-the-range management protocols are put in place.

Refer to full Report to Congress on Defunding Roundups/Removals at:

<http://tinyurl.com/6fo39y2>

Roundup Video link: <http://bit.ly/q72Rkj>

**WHAT CONGRESS CAN DO RIGHT NOW TO SAVE TAXPAYER DOLLARS AND
SAVE AMERICA'S THREATENED WILD HORSES AND BURROS**

Vote for Fiscal Responsibility in the Program

- Utilize the current CR process to defund all roundups/removals of WH&B, with the exception of independently verified emergency situations, for the rest of FY11. Keep funding at FY10 level of \$64M. (Save \$6.6M)
- Reject the proposed \$12M increase to the Program's FY11 Budget. Keep funding at FY10 level of \$64M. (Save \$12M)
- Defund roundups/removals of WH&B, with the exception of independently verifiable emergency situations, for FY12 through the current budget process. Keep funding at FY10 level of \$64M. (Save \$12M)
- Reallocate Program funds for humane, on-the-range WH&B management and stop additional stockpiling of animals in government holding facilities not accessible by the American public. (Save \$7M FY11, Save \$12M FY12)
- Reallocate Program funds for an immediate independent, accurate, state-of-the-art census of animals on the range & in holding. Guesstimated numbers are no longer acceptable.
- Reallocate Program funds to repatriate as many animals as possible in holding back to their legal Western public lands. (Potential to save over \$48M in FY12)
- Ensure continued funding for all horses in holding until they can be repatriated to their legal Western public lands.
- Ensure no funds are allocated for euthanasia or slaughter of wild horses & burros.
- Acknowledge & encourage revenue-producing ecotourism centered around the cultural, historic & heritage assets of America's living legends. Wildlife viewing is a \$45B a year national industry as reported by USFWS, 2006.

Demand Science, Credibility, Accuracy, Consistency & Transparency in the Program

- Ensure the NAS Study of the Program is truly independent. Suggest additional parameters be reviewed to enhance the study. (see Report pgs. 21-22)
- Develop and pass legislation to ensure the highest humane treatment and management practices on the range, which includes improved WH&B handling, tracking, accountability and real consequences for inappropriate management.

- Consider alternatives to remove entire Program from BLM's jurisdiction and create another entity that will truly preserve and protect America's herds as the original 1971 Act intended.

Create More Equitable Land/Forage/Water Reallocation Legislation to Protect and Preserve Viable Herds on the Range Long-Term

- Acknowledge that reducing the original HAs of 53M acres down to less than 26M acres and zeroing out over 150 herds has violated the multiple-use mandate of the 1971 Act.
- Acknowledge WH&B are not being allocated equitable resources on their restricted, legal Western public lands to sustain their health and longevity as Federally-protected species mandated by the 1971 Act.
- Utilize powers already vested in the 1971 Act to return all original HA acreage to WH&B and designate WH&B as the "principle" user on all HMAs and HAs. This will entail passing legislation requiring BLM to amend the Land Use and Range Management Plans of all the HMAs and HAs in order to:
 - 1) reinstate migratory routes and lands lost to WH&B,
 - 2) designate the lands as 'ranges' for WH&B,
 - 3) reflect marked increases in forage and water allocations to WH&B, as the "principle" user of those resources, and
 - 4) reflect marked increases in appropriate management levels of WH&B to ensure their continued survival for generations to come on public lands.

Stand up for Increased Appropriate Management Level Numbers of Wild Horses and Burros on the Range for their True Preservation Well into the Future

- Acknowledge that 26,600 WH&B on the range in the 10 Western states are far below a 'species of concern' population level as compared to other large wild land species. Wild burros numbering about 3K are in the endangered category right now.
- Support the increase of appropriate management levels of WH&B so their numbers will be sustainable for long-term survival on all HMAs & HAs.
- Support repatriation of WH&B currently in expensive holding facilities back to their legal lands in the West, thus saving millions of taxpayer dollars and preserving and protecting America's living legends as was originally intended by the 1971 Act.

Refer to full Report to Congress on Defunding Roundups/Removals at:

<http://tinyurl.com/6fo39y2>

Roundup Video link: <http://bit.ly/q72Rkj>

March 28, 2011

Public Testimony submitted by Jennifer Robinson, Horse trainer, National Wild Horse and Burro Political Action Committee.

Re. Bureau of Land Management Wild Horse and Burro Program, funding cut, denial of the requested 12 million in funding for roundup and removal, FY 2011. Call to Congress to Require Additional NAS Study Parameters for BLM Wild Horse & Burro Program

Honorable Congressmen of the sub-Committee on Interior appropriations,

This testimony provides an overview requiring an additional NAS Study on the Parameters for BLM Wild Horse and Burro Program..

There is grave concern that the stated parameters to be studied by the NAS at the request of the BLM, will skirt around the fundamental management issues, which need to be scientifically analyzed for the Study, to have any merit. The Study will be a waste of taxpayer dollars (\$1.3M) and time, will not be scientifically credible, nor will it provide valid recommendations for true reform of the Program, if the following additional specific parameters are not required by Congress:

- Stop all roundups/removals so that populations on the range remain stable & non-manipulated during the Study period. Continued trauma, herd-altering, and roundups/removals will negate the Study.
- Initiate an independent, accurate, state-of-the-art census to establish a population baseline number in all HMAs & HAs, in addition to analyzing "population modeling methods" & "annual rates of population growth" requested by BLM.
- Analyze existing roundup protocols which terrorize & fragment family bands, utilize indiscriminate selective removals & complete removals on herd/band/individuals' behavior/dynamics/social structure/health & the effects on population growth rate & compensatory reproduction.
- Analyze allocations of AUM's on all HMA's & HA's for livestock, wildlife & WH&B & identify new allocations that will support higher AML's for self-sustaining, genetically-viable herds long-term, in addition to analyzing "genetic diversity in wild horse herds" requested by BLM.
- Analyze all HMA's and HA's completely zeroed out of WH&B herds, how those lands are being used today & recommendations for repatriation of herds in warehousing to those areas, expanded from an "evaluation of carrying capacity of various lands to support wild horse herds" requested by BLM.

- Analyze all fertility control drugs (i.e. PZP, SpayVac, Gonacon) & methods (i.e. spaying, gelding, sex ratio adjustments) for efficacy, safety & short & long-term impacts on herd/band/individuals' behavior/dynamics/social structure/health, & the effects on population growth rate & compensatory reproduction, expanded from just "analyzing fertility control methods" requested by BLM.

Additional concern has been raised about BLM's request for NAS to "review previous wild horse management studies and make recommendations on how the BLM should proceed in light of the latest scientific research". Although sparse, the "latest scientific research" on wild horse & burro herds should be accumulated & analyzed. However, previous studies are 20-30 years old, so their relevance today is questionable. What is needed are current scientific studies, which the above listed points address.

Concern has also been raised as to the relevance of studying "predator impact on wild horse population growth" when the Wildlife Service is commissioned to kill off most predators to benefit the livestock & hunting industries on public lands (at huge taxpayer expense). It is already established that mountain lion predation helps keep WH&B populations more in check in a handful of isolated HMA's. Unless all stakeholders agree to reintroduction of predator animals in HMAs & HAs, studying this parameter is irrelevant & a waste of time & money.

Dr. Bruce A. Stein
Director, Climate Change Adaptation
National Wildlife Federation

Testimony on FY 2012 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies
Submitted April 1, 2011

On behalf of the National Wildlife Federation (NWF), the nation's largest conservation advocacy and education organization, and our more than four million members and supporters, we thank you for the opportunity to provide FY 2012 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

We understand the very difficult budget choices facing the subcommittee, and the pressures it faces as Congress attempts to address the federal deficit solely through reductions to the discretionary portion of the federal budget. A key lesson from last year's Gulf oil spill disaster, however, is that strong environmental safeguards and healthy ecosystems are not dispensable luxury items; they are instead indispensable staples that underpin a robust economy. Indeed, the spill's degradation of the Gulf, and the massive economic dislocation that resulted, were in part due to inadequate investment in environmental oversight and lax environmental regulation.

As we offer this testimony, the FY2011 budget is still unresolved. We are, however, extremely concerned about proposed major funding reductions in many of the federal government's core commitments and programs for conserving fish and wildlife, sustaining and restoring important ecosystems, and maintaining clean air and water. A number of the proposed reductions breach the historic compact among the federal and state governments that are at the heart of America's successful model for fish and wildlife conservation and environmental protection. Perhaps of even greater concern are efforts to rewrite the nation's landmark environmental laws through the use of policy riders on the appropriations bill. National Wildlife Federation urges the subcommittee to make the necessary investments in our essential conservation and environmental programs and commitments in the FY12 appropriations bill, and to pass a bill free of such riders.

National Wildlife Federation is overall supportive of the president's FY12 budget request, which we view as balancing fiscal responsibility with continued investments in essential conservation and environmental programs. We especially applaud the proposal to **fully fund the Land and Water Conservation Fund**, which has long been a cornerstone of efforts to protect and enhance fish and wildlife habitat, and is financed from a dedicated revenue source. We also strongly support the Department of the Interior's **Cooperative Landscape Conservation** initiative, which will help the nation prepare for and cope with the impacts of an increasingly variable and changing climate. In addition, we endorse the administration's **proposal to reduce extravagant subsidies to the oil and gas industry**.

I. U.S. FISH AND WILDLIFE SERVICE

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. It provides state wildlife agencies and their partners with a broad suite of proactive conservation tools to allow for meaningful and cost-

effective species conservation. At the heart of this program is implementation of federally approved wildlife action plans. We urge Congress to honor its commitment to this important effort and **support the administration's State Wildlife Grant funding request of \$95 million**, an increase of \$5 million over FY10 enacted levels.

Landscape Conservation Cooperatives

Safeguarding fish and wildlife resources from climate change is a major concern for the entire natural resource conservation community, and the Fish and Wildlife Service's Landscape Conservation Cooperatives represent an important means for leveraging federal, state, and private resources to achieve meaningful conservation outcomes. We urge Congress to meaningfully address the very real threats of climate change to our fish and wildlife and **support the administration's request of \$20.2 million** for this important program.

North American Wetlands Conservation Fund

This important program for conserving waterfowl and other migratory bird habitat provides a catalyst for leveraging non-Federal funding and fostering public and private sector partnerships and provides benefits for flood and erosion control and water quality. **We strongly support the administration's request for \$50.0 million dollars for this program**, an increase of \$2.4 million over FY10 levels.

Cooperative Endangered Species Fund

The cooperative Endangered Species Fund provides essential assistance to states for the protection of endangered species on non-federal lands. **We strongly support the President's FY12 request of \$100 million**, which includes \$46.5 million in Land and Water Conservation Funds for habitat acquisition.

National Wildlife Refuge System Operations and Maintenance

The National Wildlife Refuge System is the largest system in the world dedicated to wildlife conservation. Simply to maintain the management capability to operate – paying for rising fuel costs and utilities, building rent, and other costs – the Refuge System needs at least a \$15 million increase each year. The National Wildlife Federation, in support of the Cooperative Alliance for Refuge Enhancement (CARE), **recommends \$511 million for Operations and Maintenance for the National Wildlife Refuge System**, representing a very modest increase of \$8 million over the FY10 enacted level.

II. U.S. GEOLOGICAL SURVEY

Climate Science Centers

The National Climate Change and Wildlife Science Center and associated regional Climate Science Centers are important for improving the scientific support required to successfully cope with the challenges of a changing climate. **NWF is supportive of the proposed \$10.4 million increase in funding for FY2012.**

III. BUREAU OF LAND MANAGEMENT

National Landscape Conservation System

The National Landscape Conservation System is 27 million acres of Bureau of Land Management (BLM) lands and waters that contain some of the most special places in the American West. This system covers just 10% of total BLM land but support one-third of all

visitors. We are encouraged to see the Administration's modest budget proposal of an additional \$15 million from FY10 enacted levels and **support the President's FY12 funding request of \$82 million**, which includes an \$8 million increase for National Monuments and National Conservation Areas.

IV. BUREAU OF INDIAN AFFAIRS

Trust - Natural Resources Program

The primary function of the Trust - Natural Resources Management program is to assist tribes in the management, development, and protection of Indian trust land and natural resource assets. Due to significant unmet annual needs for tribal natural resource management, and the historic underfunding of tribal natural resource programs, NWF is concerned about the proposed \$13.3 million decrease in this program for FY12, and **recommends maintaining the FY10 enacted level of \$175.6 million**. Of the funds requested for this program, just \$0.2 million are a part of the Department's Climate Change Initiative. Given the disproportionate impact that climate change will have tribal lands in Alaska and elsewhere, we would encourage more robust BIA funding to engage the tribes in preparing for and adapting to the impacts of climate change.

V. BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT

After last year's Gulf oil spill the Department has made positive steps creating the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) as a way of reforming drilling industry oversight. To succeed in this transition, BOEMRE requires extra staff including engineers, inspectors, and scientists to vet new projects and make sure all drilling activities are conducted with the highest emphasis on safety. **NWF supports the Administration's request for \$358.4 million** for BOEMRE). Additionally, NWF strongly supports the Administration's plan to recoup \$65 million from inspection fees from the oil and gas industry; taxpayers have subsidized these costs for far too long, and this new approach shifts this financial burden off the public's shoulders.

VI. U.S. FOREST SERVICE

International Program

The International Program of the U.S. Forest Service has for many years played a key role in protecting American interests through its work on preventing foreign pests from invading US forests, addressing illegal timber harvests, and combating deforestation around the world. **We strongly oppose the administration's proposed elimination of this budget line, and support retention of the FY10 enacted level for the USFS International Program of \$9.8 million.**

Forest Legacy

The Forest Legacy Program provides matching funds to assist states in conserving private working forests - those that provide an array of environmental services and products. With increased stress on forests expected in the near and long term future, and the changing ownership of private forests, more effort and resources will be needed to keep the Forest Legacy Program working at a high level. **We support the President's FY12 budget request of \$135 million to ensure the conservation of vital working forests across the nation.**

VII. LAND AND WATER CONSERVATION FUND

The Land and Water Conservation Fund (LWCF) is the primary tool of the federal government for acquiring land valuable for wildlife habitat and open space. LWCF is funded annually with \$900 million in revenue from offshore oil and gas drilling. Nonetheless, over the years this program has been woefully underfunded, with only a fraction of the dedicated revenues appropriated and available for use. National Wildlife Federation is delighted that for the first time in many years the full amount of dedicated revenue is being budgeted for this fund.

National Wildlife Federation strongly endorses the President's request for appropriating the full \$900 million authorized for LWCF.

VIII. ENVIRONMENTAL PROTECTION AGENCY

Ecosystem Restoration Initiatives

America's Great Waters are the lifeblood of our nation. Sustained, consistent restoration funding is crucial for the implementation of multi-year, complex ecosystem restoration plans. As such, **we are very concerned about the \$145 million reduction in the President's FY12 budget** for EPA's geographic programs (from 608 million in FY10 enacted to 463 million proposed for FY12.) With respect to specific geographic regions: NWF is fully supportive of the proposed increase of \$17 million for EPA's Chesapeake Bay Program Office (\$50 million enacted in 2010) and support level funding for the Puget Sound (\$50 million). We are concerned, however, about significant proposed funding decreases for several other regional efforts, and urge Congress to maintain FY10 funding levels for the following ecosystems: Great Lakes Restoration Initiative (\$475 million vs. \$350 million requested); Long Island Sound geographic program (\$7 million vs. \$2.9 million requested); and Lake Champlain geographic program (\$4 million vs. \$1.4 million requested).

Clean Water State Revolving Fund

Since the 1970's, CWSRF projects have helped to improve the quality of wastewater treatment in communities throughout the country. Yet the job is far from complete and the nation faces trillions of dollars in funding needs to repair aging wastewater treatment systems and keep our rivers and streams pollution free. NWF urges Congress **to increase the amount requested in President Obama's FY12 budget request from \$1.55 billion to the \$2.1 billion FY2010 enacted level.**

Clean Water Act Section 319

When Congress recognized the need for greater federal leadership in assisting with nonpoint source pollution reduction efforts, The Clean Water Act was amended to establish Section 319. Continued funding for the Nonpoint Source Management Program will provide state and local nonpoint source remediation efforts with the funds that are crucial to the implementation of these projects. As such we recommend that the Committee **increase program funding from the \$164.7 million requested by the President to the FY2010 enacted level of \$200.8 million.**

National Environmental Education Act Programs

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs. Investment in these programs will keep American competitive in the 21st Century and foster innovative thinking and solutions to conservation challenges. We are grateful for the Subcommittee's support of environmental education in previous years and **recommend a funding level of \$14 million** (an increase of \$5 million over FY10 enacted).

March 28, 2011

Public Testimony submitted by Leslie Peeples, Naturalstep Horse Training, National Wild Horse and Burro Political Action Committee.

Re. Bureau of Land Management Wild Horse and Burro Program, funding cut, denial of the requested 12 million in funding for roundup and removal, FY 2011.

Honorable Congressmen of the sub-Committee on Interior appropriations, this testimony provides an overview of reform that is fiscally sustainable for true humane management, preservation and protection of Americas wild Horses and Burros. BLMs methods are archaic and barbaric. It is past time for Congress to remedy this travesty, it can and must be done and it is fiscally and morally the right action to take.

With all due respect Congressmen, you do not have a full and clear picture of the inhumane treatment waged on these animals, nor do you have a clear view of the available solutions. This testimony is to provide you with a true picture and cost effective, humane solutions. The information and data you receive is by and large biased and whitewashed and does not represent the realities of the thousands of witness hours in the field. The BLM is very cautious to place limits on what observers can and cannot see. What we do see and document is flat inhumane and disturbing.

The Wild Horse and Burro program more closely resembles pest control and eradication than protection of a national icon. The BLM's WH&BP is simply not up to current humane standards of equine management. No American citizen could get away with this level of animal abuse and not be convicted of animal cruelty. Americans are disgusted with the continuing abuses levied on these animals on our taxpayer dollar.

We have witnessed many helicopter roundups, observing and documenting extreme carelessness and fatal mistakes. Contractors are paid \$250 to \$500 per animal rounded up with a defined end date for the contract. With a price on each head, the goal is to get horses trapped as fast as possible. The horse's safety and welfare are not a priority.

In these helicopter roundups, horses are pushed 2 to 20 miles, very often in extreme temperatures of below 0 to 115 degrees. Only the pilot (profiting off of speed) knows just how far the horses have come or what pace they had to travel. The horses arrive at the trap soaked in sweat indicating they have been running a very long way. They are highly stressed, afraid and exhausted. The horses are not given a chance to settle or rest and are immediately subjected to extreme pressure by wranglers and staff to move through the pens and into trailers, causing frequent preventable injuries and deaths.

*Wild horses are born from approximately Feb. through Aug, yet the BLM conducts roundups July 1 through Feb. 28. Consequently very heavily pregnant mares and young

days old foals are subjected to extreme distances and speeds that they cannot tolerate, ending in injuries and death. Foals, often only days old, are crushed in the chaos.

* Wild horses and burros that were perfectly fat and healthy on the range are injured and killed from many multiple causes related to roundup, processing and holding.

*Foals hooves fall off from repeated concussion over too great a distance.

* Foals are not given adequate care, orphaned from their mothers, resulting in death.

*Careless and preventable, fatal injuries, broken necks, broken backs, broken legs.

*Multiple facial and leg lacerations, strained and ruptured ligaments and tendons.

*Muscle tie up, heart failure, death from dehydration and feed changes.

*Deaths from gelding procedures that are not up to current veterinary practices.

*Injuries and deaths from trailering, caused by slippery floors and hauling babies, mixed with mares and stallions from different bands, and driving at extreme speeds.

*Killed for sway back, broken teeth, blind in one eye, club foot, all survivable conditions.

*Wild horses and burros are housed in some 30 facilities, of those only one "Indian Lakes, Fallon, NV" reports to the public. In the 15 months since Indian Lakes opened 192 horses have died, this is outrageously high, equates to more than one every other day and is unheard of in the private sector. Very contagious diseases are rampant in most all BLM facilities. Healthy horses are taken off the ranges, subjected to extreme stress, dropped into facilities with active disease where they get sick and die. Animals are shipped from these facilities to multiple other facilities, spreading disease.

The BLM is conducting an exaggerated and aggressive campaign, consisting entirely of round up, removal and warehousing at an extreme and unnecessary cost to the American taxpayer, blindly ignoring creative and cost effective solutions that would bring the program up to current humane standards and cut costs dramatically.

We can transform the wild horse and burro program into the jewel of America, a model program of humane and financially responsible management. Reorganize the WH&B program so that it reduces costs across the board, truly preserves and protects wild horses and burros in a satisfactorily humane manner, boosts rural economies through employment and tourism and eliminates the future need for horses and burros being warehoused at great expense. With full public support and participation, this new strategy will take the heat off of congress and the BLM, avoid future law suits, and will be easily implemented. Below is a summary of what real reform can look like.

The Solution Overview- Getting on a humane and sustainable track.

Each HMA or group of HMA's depending on size will have a local expert horse manager employed for total management of those herds. The duties of the managers will include, instructing volunteers, photographing, documenting and identifying all horses on the HMAs, monitoring range conditions, forage, water, checking fences and gates, recording where animals are located, recording which animals need or received fertility control and which animals should be or are removed for the adoption program as well as mortality, and entering all of this information into a nationwide data base.

A national wild horse and burro data base will facilitate management with an organized structure that systematically provides a clear view of the total picture on how many animals are on the range, population increases, mortality, range conditions and what the range can support. This strategy will also allow the public to get to know America's wild horses and burros and their status personally, promote tourism and local economies and boost the adoptions numbers through awareness and familiarity.

Permanent trap pens of about ½ to 1 acre will be installed and periodically feed, water and salt will be placed in them to accustom the wild horses and burros to entering the pen consistently. This method is proven to be effective and humane and is much more cost effective than contracted roundups. Managers will have the ability to close remote controlled gates when there is a need to capture horses or provide fertility control.

There will be two crews of experts trained in safe and humane handling with portable processing equipment, working in partnership with each herd manager, rotating through HMAs. These crews will be salaried so that the animal's welfare and safety are primary.

We will have two personnel in charge of fertility control by remote darting in the trap pens and/or administering fertility control in chutes when necessary, treating 2 to 3 thousand females per year. (BLMs goal is to treat 2000 mares per year) Far less expensive, remote darting of fertility control has been successful in two pilot programs

To reduce the largest cost, warehousing of animals, (41k@over 50 ML in 2011), the approximately 10K unadoptable animals in short term holding, can be repatriated in non-reproducing herds to the 5-7 million acres of legal herd areas that Bob Abbey himself said were suitable and available, requiring about 2 ml acres. Then 20K of the 28K horses in long term holding can be repatriated to the remaining 3 to 5 million acres of available herd areas. The mares will be placed in herd areas that are fully fenced to prevent reproduction, and the geldings placed in other available herd areas. The remaining 8K horses in long term holding can be absorbed by public/private partnership or private sanctuaries, eliminating most of the cost entirely and sharply reducing outlay.

The new WH&B database will have an extensive education presence to facilitate prospective adoptees while highlighting each and every horse in the adoption program.

The new reorganized BLM Wild Horse and Burro Program would cut annual costs from 75 million by half to 35 million or less, employ over 100 people, create rural tourism related jobs, provide an organized and clear path for humane management and fiscal sustainability into the future, and truly be a shining American success story.

BLM has set a national level of 26,600 animals. National WH&B population currently is somewhere between 18,000 and 29,000. Neither BLM nor anyone else knows the true numbers. At 26,600 animals the annual reproduction is less than 5,000 animals which are easily absorbed with the increased adoption demand in this new strategy. With this proposed strategy we can keep the populations in check while achieving the goal of slowing the annual population increase to a number that will not exceed adoption demand thereby eliminating the need to place animals in warehousing in the future.

The BLMs strategy called catch, treat and release (CT&R) is used to treat females with fertility control. In a herd of 1000 there are about 500 females, yet BLM pays 500. per head for all animals to be rounded up. In at least two CT&Rs in 2010, BLM unnecessarily removed non-excess horses. Each horse removed, according to Bob Abbey costs approx. 1800. per year. According to BLM, removal was necessary as the family bands were broken up during the capture. This new capture method will avoid breaking up the band structures thereby allowing for release of non-excess animals and will also prevent compensatory reproduction, thereby reducing reproduction. These are huge and unnecessary costs and the new strategy will avoid these expenditures.

BLM has lost the public trust with fiscal recklessness, inhumane and inequitable treatment, and lack of science and transparency. The program is broken and failing. If BLM continues on their proposed track we will have 60 thousand animals in taxpayer funded warehousing by 2014 at a cost of 94.6 million, the horse's long term survival will be in jeopardy, and thousands of horses and burros will have been injured and killed.

We are asking only for fair and equitable allocations of land, forage and water and humane treatment, for Americas federally protected Wild Horses and Burros. This program can and must be transformed. It is time to clean house and reorganize by installing real leadership that puts the wild horse and burro program on a new track that is financially sustainable and preserves Americas Icons for future generations.

Americans will no longer tolerate their hard earned dollars thrown away on this broken, fiscally irresponsible program or Congressional inaction. Americans, justifiably, do not want their tax dollars used to pay for abuse and cruelty. **Congress must call for an immediate, temporary halt on roundups. Congress must hold BLM accountable and rein in this failed program through funding cuts for roundups until BLM can design and implement solutions that are humane, balanced and cost effective.**

Testimony of

**Charles A. Bridges
Wildlife Habitat Diversity and Programs Administrator
New Hampshire Fish and Game Department
11 Hazen Drive, Concord, NH 03301**

**In support of land conservation funding from
Land and Water Conservation Fund (USFWS)
Forest Legacy Program (USFS)
At Umbagog National Wildlife Refuge, New Hampshire
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of conserving land at the Umbagog National Wildlife Refuge (Refuge) in northern New Hampshire. Fiscal year 2012 presents an opportunity to continue the conservation of the 31,300-acre Androscoggin Headwaters property from a willing landowner with appropriations of \$1.5 million from the Land and Water Conservation Fund (LWCF) and \$5 million from the Forest Legacy Program (FLP).

In FY 2012 the President's Budget includes funding requests for two phases of the larger Androscoggin Headwaters conservation project. First, the U.S. Fish and Wildlife Service recommends \$1.5 million for acquisitions in the Umbagog National Wildlife Refuge. Second, the U.S. Forest Service recommends \$5 million for the project from the Forest Legacy Program. I am pleased that this funding is included in the request and urge Congress to provide the full amount in the President's Budget for LWCF and FLP so that these important projects can receive needed funding. The first two phases in FY 2011 had funding recommended in that year's President's Budget, and Congress is still working on finishing the FY 2011 budget. The provision of sufficient funding to LWCF and FLP in FY 2011 will improve the opportunity to provide funding in FY 2012.

Supporting the Androscoggin Headwaters Conservation Project is a good fit for the NH Fish and Game Department. Our mission states that as guardian of New Hampshire's fish, wildlife and marine resources, we work in partnership with the public, non-governmental organizations and other agencies to conserve, manage and protect these resources and their habitats, to inform the public about the resources, and to provide opportunities for the public to use and appreciate these resources. The Androscoggin Headwaters project implements strategies identified in our NH Wildlife Action Plan that

will conserve habitats and species of greatest conservation need. It also advances the objectives of NH's Forest Resource Plan, and its strategies promoting forest stewardship and sustainable forest economies. The project directly contributes to the priorities of the New England Governors, who at their September 2009 conference passed a resolution establishing a New England Forest Initiative to "Keep Forests as Forests". In Addition, the project is a signature effort of the Mahoosuc Initiative, a coalition of local, regional, and national non-profits that have formed an alliance to promote land conservation; tourism and forestry-related economic development; and enhanced quality of life for residents in the region. The Eastern Brook Trout Joint Venture has also offered their support for the Androscoggin Headwaters Project.

Covering 31,300 acres of remote forests, streams, and ponds, the Androscoggin Headwaters property is one of the largest unprotected ownerships remaining in the state of New Hampshire. The property is located at the headwaters of the Androscoggin River adjacent to Umbagog National Wildlife Refuge, and features a variety of wildlife and fishery resources that are of regional and national significance. The property is an important source of forest products and jobs for the region's timber economy, and is a popular destination for hunting, fishing, snowmobiling, and other outdoor pursuits. The Trust for Public Land (TPL) is working with the landowner, NH Fish and Game, the NH Forest Legacy Program, and the Umbagog National Wildlife Refuge to bring the most critical wildlife habitat into public ownership while retaining the balance of the property in private ownership subject to a state-held Forest Legacy conservation easement.

Situated at the southern range of the boreal forest zone and near the northern range of the deciduous zone, the region provides habitat for species of both forest types. Many of these species are identified as priorities in the New Hampshire State Wildlife Action Plan. The Umbagog Refuge encircles much of Lake Umbagog, with 8,700 acres of open water, many miles of shoreline, protected coves and backwaters, and diverse wetland complexes. The Refuge protects unique habitat for many wetland-dependent and migratory species, including bald eagle, Canada warbler, wood thrush, and American black duck; as well as many species of state concern, including common loon, northern harrier, American woodcock, and others. For the common loon and osprey, Lake Umbagog is considered the best breeding habitat in New Hampshire. Lake Umbagog and its associated wetlands have been listed by both Maine and New Hampshire as a priority site under the Atlantic Coast Joint Venture of the North American Waterfowl Management Plan. The Refuge includes a very large and exemplary native bog community that is designated as a National Natural Landmark.

Located along the border of northern New Hampshire and western Maine in the Mahoosuc Mountains, Lake Umbagog is the westernmost link in the chain of Rangeley Lakes, famed for their excellent recreational opportunities. Anglers, kayakers and canoeists explore numerous coves and bays on Lake Umbagog and dozens of rivers, streams, and smaller ponds around the Lake. Hunters, hikers, nature photographers, and wildlife watchers all find extensive opportunities in the Refuge and the Androscoggin Headwater property's remote expanses. The region is a well-known and sought-after fishery that offers anglers the opportunity to fish for warm water species such as

smallmouth bass, perch, and pickerel in Lake Umbagog and for cold water species, notably eastern brook trout, in the feeder streams and surrounding ponds.

Land and Water Conservation Fund request:

Available for acquisition in FY 2012 is the second phase (4,532 acres) of the larger, 31,300 acre five-phase Androscoggin Headwaters Conservation Project. At its successful conclusion, this project will conserve 15 undeveloped ponds and 38 miles of streams with some of the finest cold-water fisheries in the Northeast. The project will add a total of 7,450 acres in fee ownership to the Umbagog NWR, which currently owns 21,650 acres. The target property lies entirely within the authorized refuge acquisition boundary. It is also part of a much larger 63,000 acre conserved working forest landscape that includes the existing refuge, a community forest owned by the Town of Errol, and Forest Legacy conservation easements held by the State.

The Phase II 4,532-acre portion contains Mollidgewock Brook, an undeveloped tributary to the Androscoggin River, and smaller streams that total over 11.5 miles. Along the Mollidgewock Brook are significant wetland complexes that are utilized by waterfowl for nesting and breeding. All told there are 546 acres of prime wetlands on the Phase II tract. NH Audubon has designated approximately 1,100 acres of the property as part of the Umbagog Important Bird Area and Audubon has ongoing field research into Rusty Blackbird habitat on the parcel.

The allocation of \$1.5 million from LWCF as proposed in the FY 2012 President's Budget will begin the second phase of the Androscoggin Headwaters project, allowing the refuge to protect important habitat for Federal trust species and link it to other conserved lands. The appropriation will ensure shoreline protection, public access for recreation, and wetland habitat preservation.

Forest Legacy Program request:

Available for acquisition in FY 2012 through the Forest Legacy Program is a 12,637-acre phase of the Androscoggin Headwaters Conservation Project. At its successful conclusion, the project will conserve 23,000 acres as privately-owned working forest through FLP conservation easements held by the State of New Hampshire.

The Androscoggin Headwaters South parcel is comprised of upland and lowland forest noted for its excellent soils and mix of hardwood and softwood stands. The property contains two completely undeveloped tributaries to the Androscoggin River, Mollidgewock Brook and Bog Brook. These streams and associated wetland complexes support nesting habitat for a diversity of waterfowl and a wild brook trout fishery. This parcel also includes several popular snowmobile trails that connect Errol, New Hampshire to Berlin, NH. The required match for the appropriated funds will be met through the conservation of a 938-acre parcel that contains Greenough Pond and Little Greenough Pond, which are two of only three ponds in New Hampshire that sustain native, non-stocked brook trout populations.

Northern New Hampshire has relied on forest products as the fuel for the region's economic engine for over 200 years. Traditionally that has meant pulp and papermaking. As the northern New England paper industry has declined, jobs have been leaving the region. Our northern forest, however, is poised for a new source of economic activity. There are several proposals for utility-scale biomass energy plants that will take wood chips from the region's forests to produce renewable energy. In addition to jobs in logging, trucking, and value-added forest products, the conservation of this property will support good jobs in the tourism industry. Businesses catering to hunters, anglers, snowmobilers, kayakers, wildlife viewers, and other outdoor enthusiasts will benefit from the guarantee of public access for recreation that will be created through the conservation of this large block of forestland.

The property is threatened with significant second home development along the waterfront parcels. The remote ponds are scenic, have tremendous recreational opportunities, and are highly valued for development of waterfront vacation homes. This kind of development would seriously undermine habitat for loons and other waterfowl, degrade water quality for the wild trout populations, and limit public recreational access. The Androscoggin Headwaters conservation strategy will protect the entire waterfront.

The Androscoggin Headwaters Project also will help wildlife adapt to the impacts of climate change. At 31,300 acres, the project will conserve ecological systems from valley bottom to ridge top. The property is located in the northeast corner of New Hampshire close to the Mahoosuc Mountains and Rangeley Lakes, a region that is forecast to retain consistently cold winters and a deep snow pack under high carbon emission scenarios. Numerous species adapted to northern New England's long cold winters will find refuge here as suitable habitat to the south warms and fragments. Among these are snowshoe hare, American marten, three-toed woodpecker, and the federally threatened/state endangered Canada Lynx.

Protection of the Androscoggin Headwaters property will connect large blocks of conservation land, adding to more than 100,000 acres. The property's proximity to other conserved lands – including Umbagog National Wildlife Refuge, 13-Mile Woods Community Forest, and state owned and easement lands around Maine's Richardson Lake, Grafton Notch, and Rapid River – will significantly advance the creation of landscape-scale habitat connectivity in this region.

An allocation of \$5 million – as proposed in the FY 2012 President's Budget – from the amounts appropriated to the Forest Legacy Program will complete the second easement phase of the Androscoggin Headwaters Conservation Project and will ensure continued sustainable forestry, public access for recreation, and protect upland and wetland habitats recognized as some of the most important in the eastern United States.

I thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important conservation effort in New Hampshire, and I appreciate your consideration of this funding request.

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Statement of

JOHN R. D'ANTONIO, JR., P.E., NEW MEXICO STATE ENGINEER
AND SECRETARY, NEW MEXICO INTERSTATE STREAM COMMISSION

to the

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

in support of

FY 2012 Appropriations for BUREAU OF LAND MANAGEMENT activities
to benefit COLORADO RIVER BASIN SALINITY CONTROL,
DEPARTMENT OF INTERIOR

March 25, 2011

SUMMARY

This Statement is submitted in support of Fiscal Year 2012 appropriations for Colorado River Basin salinity control activities of the Bureau of Land Management. I urge that at least \$5,200,000 be appropriated for the Bureau of Land Management within the Soil, Water, and Air Management Program for activities that help control salinity in the Colorado River Basin, and of that amount, \$1,500,000 be marked specifically for identified salinity control related projects and studies.

STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective governors of the states. The Forum has examined the features needed to control the salinity of the Colorado River. These include activities by the states, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The Salinity Control Program has been adopted by the seven Colorado River Basin States and approved by the Environmental Protection Agency as a part of each state's water quality standards.

About 75 percent of the land in the Colorado River Basin is owned, administered or held in trust by the federal government. The BLM is the largest land manager in the Colorado River Basin, and manages public lands that are heavily laden with naturally occurring salt. When salt-laden soils erode, the salts dissolve and enter the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico.

The proposed BLM budget calls for five principal priorities within the Soil, Water, and

Air Management Program. One priority is reducing saline runoff in the Colorado River Basin, which will help achieve the goals of interstate, federal, and international agreements concerning the salinity of the Colorado River. Accordingly, the BLM needs to target at least \$5.2 million for activities in FY 2012 that benefit salinity control in the Colorado River Basin.

In the past, BLM has allocated \$800,000 of the Soil Water and Air Management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of \$1.5 million for FY 2012. Consequently, I request that \$1.5 million of the \$5.2 million be marked specifically for these identified Colorado River Basin salinity control activities.

I support past federal legislation that declared that the federal government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. The BLM's rangeland improvement programs are some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from Colorado River salinity to United States water users are about \$353 million per year. Unquantified damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of \$75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that the BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects that will help avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, the BLM has created a full time position to coordinate its activities among the BLM state offices and other federal agencies

involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S. Department of Agriculture, and report salt retention measures to implement and maintain salinity control measures of the federal salinity control program in the Colorado River Basin. The BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended.

I request the appropriation of at least \$5.2 million in FY 2012 for Colorado River salinity control activities of the BLM within the Soil, Water, and Air Management Program, and that \$1,500,000 of that amount be marked specifically for identified salinity control related projects and studies. I appreciate consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Don Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.



Name: *Eric W. Wilkinson*

Title: *General Manager*

Organization: *Northern Colorado Water Conservancy District, and Municipal Subdistrict
Northern Colorado Water Conservancy District*

March 28, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran:

On behalf of the Boards of Directors of the Northern Colorado Water Conservancy District, and Municipal Subdistrict, Northern Colorado Water Conservancy District, I am writing to request your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; and Recovery Element within the \$83,692,000 item entitled "Recovery") to the FWS for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; and National Fish Hatchery Operations Subactivity within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by Region 2 of the FWS in managing the San Juan Program's diverse recovery activities.

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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I appreciate the past support and assistance of your Subcommittee for these ongoing efforts and request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs.

Sincerely,

/s/ Eric W. Wilkinson
Phone: (970) 532-7700
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ewilkinson@ncwcd.org

**Testimony of Joe Short, Program and Policy Director
Northern Forest Center
To the
House Interior, Environment, and Related Agencies Appropriations Committee
Regarding the Community Forest and Open Space Conservation Program**

This testimony is from the Northern Forest Center, a non-profit organization based in Concord, New Hampshire, in support of an FY12 appropriation of \$5 million for the Community Forest and Open Space Conservation Program ("Community Forest Program") under the United States Forest Service. This would match the level of funding proposed for the program in the President's FY12 Budget.

The Community Forest Program will provide 50-50 matching grants to local governments, Indian tribes, and non-profit organizations to acquire forestlands under threat of development. The program was established in the 2008 Farm Bill to give these local entities the ability to keep important forests as forests while exerting strong local control over management and directing timber revenues to local budgets and economic development. The program also provides a small amount of technical assistance funding to state forestry agencies so that those agencies may help interested grantees plan for and implement outstanding forest management.

As noted by the recent U.S. Forest Service report, *Private Forests, Public Benefits*, communities across America are threatened with loss of access to forest values through accelerating conversion of private forests. These threatened forestlands are often needed for essential community and tribal purposes, including water supply protection, the timber-based economy, wildlife habitat, youth outdoor education, and recreational opportunities, including hunting and fishing.

The economic opportunities that can be created from these locally owned forests are particularly compelling. According to a recent study, *The Impact of Privately-Owned Forests* (2009), private forests currently support eight jobs per every 1000 acres, and each acre of private forest generates an average of \$733 in forest products sales. When private forests are lost to development, those forest jobs and revenues are lost. Across the country local governments, tribes, and non-profits are stepping up to conserve their forest land base in active forestry to help support a strong and diversified economy. Because these lands are kept in local hands, they can be managed efficiently to help generate economic opportunities in the woods.

The Northern Forest Center advocates for the Northern Forest region of Maine, New Hampshire, Vermont, and New York, and helps its communities benefit from forest based economic development and conservation initiatives. Our organization has been involved in the creation of several community forests, including in the town of Errol, New Hampshire, which formed a community non-profit to purchase 5,200 acres to help local foresters retain access to the woods. This acquisition created seven new forest jobs—a substantial impact on this rural community. In the West similar efforts are springing up, often led by local wood producer cooperatives like the Mount Adams Resource Stewards in Washington State. These local groups seek funding from the Community Forest Program to purchase threatened forestlands in their communities so that they remain open for forestry.

It is important to note that restoration forestry can also create jobs. A study by Garrett-Peltier and Pollin (2009) found that watershed restoration and other kinds of forest restoration create 39.7 jobs for every \$1 million invested—the most of any economic sector they examined. Local governments, tribes, and non-profits often are uniquely positioned to purchase impaired forests and to work patiently over time to restore them to full health and productivity. Many of these entities are very eager to use the Community Forest Program to acquire lands so that they may implement this kind of long-term restoration forestry for continued output of timber and biomass while also achieving other natural resource objectives.

Among other important purposes, this program can help meet the need to reconnect Americans, especially young people, with our forests. It is well established that in many parts of America, young people are losing this connection—a Kaiser Family Foundation study found that the average young American spends 44 hours per week staring at some kind of electronic screen.

Community forests are often located in places where young people would otherwise have few chances to choose more time in the outdoors. The Jefferson Memorial Forest in Louisville, Kentucky is a great example. This 6,000-acre forest on the edge of the city provides endless opportunities from youth outdoor education to cultural events. It is a place where urban residents can connect to Kentucky's forest heritage and culture. The City of Louisville is interested in using the Community Forest Program to help add land to the Jefferson Memorial Forest where development is encroaching.

The Community Forest Program has a broad base of support. The program was established with the support of a large and diverse national alliance of forestry, landowner, industry, land conservation and wildlife groups. More than 130 groups have endorsed the program since 2008, including hunters and anglers from the Association of Fish and Wildlife Agencies, Florida Wildlife Federation, Georgia Wildlife Federation, Izaak Walton League of America—National and Iowa Division, Minnesota Conservation Federation, Mississippi Wildlife Federation, National Wildlife Federation, New Jersey State Federation of Sportsmen's Clubs, New York State Conservation Council, South Carolina Wildlife Federation, Texas Conservation Alliance, Vermont Federation of Sportsmen's Clubs, and Wildlife Mississippi. Tribes including the Eastern Band of Cherokee Indians have offered support, as well local governments from the City of Louisville, Kentucky to the Town of Arcata, California. Land trusts, wildlife groups, and other interests have also offered support. This broad and diverse support is a reminder of how effectively community and tribal forests truly can advance the public interest.

Congress allocated \$1 million in FY10 to finish rulemaking for the program with an eye toward opening the program to begin awarding grants in FY11 or FY12 at the latest. That rulemaking is nearly complete. The comment period on the Proposed Rule closed in early March, and the Final Rule is expected in April. The President included \$5 million in his FY12 Budget in recognition of the diverse needs that this program could fulfill, and its readiness to begin making grants.

Through this testimony, we respectfully encourage the House Interior Appropriations Committee to allocate \$5 million in FY12 to the Community Forest Program. This funding will help

America's local governments, tribes, and non-profits become even more active leaders for conservation of our forests, and to provide a boost to America's economic recovery through the forest-based economy.

**Testimony of John Bernstein, President of the Northern Sierra Partnership
In Support of the Land and Water Conservation Fund
Tahoe National Forest, California
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS drilling revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Forest Service included \$2 million for the acquisition of land in Tahoe National Forest in California in the President's Budget. I am pleased that this funding was included in the request and I urge Congress to provide the full President's Budget amount for LWCF so that these important projects can receive this needed funding. Furthermore, federal investment helps non-profits attract private money, multiplying the conservation benefit of this LWCF request many times over.

The Northern Sierra Partnership (NSP), of which I am President, is a ground-breaking partnership of five local, national, and international conservation organizations: The Nature Conservancy, the Trust for Public Land, Truckee Donner Land Trust, Feather River Land Trust, and the Sierra Business Council. Since our formation in 2007, we have protected over 10,000 acres and raised over \$30 million in pledges and gifts. We approach conservation on a landscape scale, focusing only on the projects with the highest water quality, recreation, and habitat values in the entire region. NSP invests millions of dollars in conservation projects in the Northern Sierra, ensuring that any federal money is highly leveraged with non-governmental funds. Since 2005, LWCF investments in the region have been leveraged with private money at a 1.5 to 1 ratio.

Once referred to by John Muir as the “Range of Light,” California’s Sierra Nevada mountains provide some of the country’s most inspiring landscapes. They are also the sole source of drinking water for millions of Californians and constitute one of the largest and most important hotspots of biodiversity in the United States. The Sierra Nevada extends for over 400 miles along eastern California, from the Mojave Desert in the south to the Feather River Basin in the north. The sapphire shimmer of Lake Tahoe—the nation’s largest and deepest alpine lake—is the hub of the north-central Sierra Nevada, and the Tahoe and Eldorado national forests extend deep into the mountains north and west of the lake. Elevations climb from about 1,500 feet in the forest’s western foothills to more than 9,000 feet at the Sierra crest. Landscapes range from dry woodlands in the west to whitebark pines and primrose-dotted meadows at the higher elevations.

In the 19th century, the Sierra was a major physical obstacle to the completion of the transcontinental railroad, and the federal government granted lands to railroad companies in alternating square miles along the route as an incentive to extend the tracks across the plains and mountains to the Pacific Ocean. The Sierra “checkerboard” of alternating federal and private ownership is a legacy of these federal land grants and presents numerous challenges. The forest habitat that is home to many birds and animals may be pristine in one area, yet severely degraded in another. Likewise, public recreation areas are limited in size and often are affected by nearby privately owned sections. In addition, it is difficult and costly for both private and public landowners to manage their segmented lands as productive and healthy forests.

To meet these challenges, the U.S. Forest Service has sought to consolidate these checkerboard lands, thereby improving management of and access to existing federally owned lands. In addition, this effort affords greater protection to the rivers and streams of California’s Sierra Nevada, fulfilling another important mission of the Forest Service, which ranks watershed protection and improvement as primary strategic goals of land acquisition. The checkerboard pattern of ownership also makes it difficult to maintain sufficient habitat for spotted owls and for species such as the American marten and the Sierra Nevada red fox—both sensitive species.

According to a climate study conducted by The Nature Conservancy, the northern Sierra Nevada is projected to see dramatic future changes in climate. These include an increase in average temperatures by as much as four degrees in the next 50 years, and projected reductions in total precipitation of 12 to 24 percent. This level of change will impose greater stress on forest systems and threaten the timing and flow of water that sustains human communities and coldwater fisheries. Consolidation of checkerboard lands and other fragmented holdings, as will be achieved by this project, can help address these climate challenges. Assuring connectivity of habitats will allow for species migration in response to changing conditions and food availability. In addition, consolidating federal ownership can facilitate more integrated forest management and watershed restoration. This will help maintain the health of forests and forest habitats, and will enhance watershed function to stabilize water levels, flow, and timing under a new and more variable precipitation regime.

Available and proposed for acquisition in FY 2012 are three properties totaling 1,849 acres in the Tahoe National Forest. These lands are entirely or substantially surrounded by national forest lands, and consolidation of these properties will give the Forest Service an improved ability to manage its lands for climate change, wildfire, recreation, and habitat protection. These proposed tracts include the 890-acre Hole in the Ground property adjacent to the proposed Castle Peak Wilderness, the 480-acre White Rock Lake property that is a short distance from the Pacific Crest Trail, and the 479-acre Big Avalanche property contains a rare limestone cave network that has evidence of seasonal presence of the imperiled *Plecotus townsendii* (Townsend's big-eared bats).

If the Forest Service is unable to acquire these properties, the result would likely be cabin construction, parcel splitting, and other activities that further complicate land management. The President's FY 2012 Forest Service Budget request includes \$2 million for Sierra Nevada Inholdings, and protection of these important lands can go forward with congressional approval of the budget request for the Land and Water Conservation Fund.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

Sincerely,

John Bernstein
President
Northern Sierra Partnership
182 Howard Street, Box 242
San Francisco, CA 94105
(415) 730-8750
jbernstein@northernsierrapartnership.org



Northern Virginia Regional Park Authority

5400 Ox Road, Fairfax Station, VA 22039 | 703-352-5900 | Fax: 703-273-0905 | www.nvrpa.org

TO: House Committee on Appropriations: Subcommittee on Interior,
Environment and Related Agencies

FROM: Paul Gilbert, Executive Director of the Northern Virginia Regional Park Authority *AG*

DATE: March 28, 2011

SUBJECT: Testimony on Funding of America's Great Outdoors Initiative

The Northern Virginia Regional Park Authority (NVRPA) is an independent, multi-jurisdictional park agency. Throughout the nation, there are around fifty such agencies that cover multiple counties or cities and focus on natural resources. As a group, we are known as Special Park Districts.

NVRPA would like to urge Congress to fully fund the Great Outdoors Initiative, including both the proposed Competitive Grant Program and continued support of the Land & Water Conservation Fund (LWCF). While LWCF has dwindled in the last few decades, at one time it was a significant funding source for parkland expansion and much of our parkland was acquired with the help of this fund.

Special park districts offer a great partnership opportunity for the Federal Government, and a partnership opportunity that has not been effectively developed. Many of the multi-jurisdictional park districts are in metropolitan areas with a significant population. We offer these population bases access to outdoor recreation and conservation, which is a goal of the Great Outdoors Initiative.

We believe partnering with special park districts like NVRPA and others offers a great return on investment for the federal government. Funding sources like LWCF and the new Competitive Grant Program would be leveraged with considerable non-federal funding and used in a highly efficient way that would target population centers.

With an increasing number of children disconnected from nature, funding for parks and open space is more important than ever. We commend the sub-committee for your fine work and encourage you to advance full funding for this important initiative.

City of Alexandria
David M. Pritzker
Justin Wilson

Arlington County
Paul Ferguson
Michael A. Nardolilli

Fairfax County
Stella Koch
Jean R. Packard

City of Fairfax
Brian D. Knapp
Arthur F. Little

City of Falls Church
Barry D. Buschow
Jeffrey Tarbert

Loudoun County
Joan G. Rokus
Su Webb

Max Schmidt
District Manager
Orchard Mesa Irrigation District

March 14, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,
Max Schmidt
District Manager
max@acsol.net

TESTIMONY OF ANITA WINKLER, EXECUTIVE DIRECTOR
OREGON WATER RESOURCES CONGRESS

Submitted to the United States House of Representatives Committee on Appropriations
Subcommittee on Interior and Related Agencies
April 1, 2011

**RE: FY 2012 Budget for the U.S. Environmental Protection Agency's Clean Water
State Revolving Fund Loan Program (CWSRF)**

The Oregon Water Resources Congress (OWRC) was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agricultural water suppliers in Oregon, primarily irrigation districts, as well as water control districts, and other special districts and local governments that deliver irrigation water. The association represents the entities that operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

OWRC is concerned about reductions to the US Environmental Protection Agency's Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to \$5 billion in FY 2012. The CWSRF is an efficient program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy.

We are disappointed that the Administration's request of \$1.55 billion for the CWSRF program is a reduction from enacted 2010 funding, and is still far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. This funding may lead to six-hundred clean water projects nationally, but that is an average of only twelve per state, far less than what's been funded in the past and well short of what is needed. The Oregon Department of Environmental Quality's (DEQ) recent "Proposed Intended Use Plan Update #2 - State Fiscal Year 2011," reflects a total of \$23,462,936 in funding requests from five agricultural water suppliers alone.

Six OWRC member districts have successfully received loans from the CWSRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers need to pipe currently open canals, thereby improving water quality by eliminating run-off into the canals and increasing water availability for fish and irrigators by eliminating water loss from the canal system. These projects not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

Four irrigation districts received over \$11 million funding in Oregon from the 2009 ARRA funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the

CWSRF be used for "green" projects. Those districts' applications had been on DEQ's list of eligible projects for many years and would probably still be on that list had the ARRA funding not been made available. We provide that comment not to complain, but to emphasize the need for additional funding for this program.

We acknowledge the Administration's desire to develop and implement "green infrastructure." In fact, as mentioned above, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits. However, EPA's proposal to provide an average of 5% of water infrastructure spending in future budget years does not change the need for increased funding today or provide certainty about the specific amount of funding in future years. CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

We appreciate the Administration's efforts to improve both the way federal dollars are spent and program efficiency. However, the CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive. While our comments are focused on the need for additional funding of the CWSRF to meet our members' needs, it is our understanding that the list of eligible projects for and needing this funding grows annually and exceeds the Oregon DEQ's funding capacity. The latest Intended Use Plan lists 140 projects for a total of \$480,500,455. Additional information about the irrigation district projects and other projects funded in Oregon through the CWSRF can be found at: www.deq.state.or.us/wq/loans/docs/IUP2011Update2.pdf

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. Oregon is facing record levels of unemployment and the CWSRF helps provide much needed construction and professional services jobs. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, and is an efficient return on taxpayer investment. It's not a hand-out but a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

We respectfully request the appropriation of at least \$5 billion for the U.S Environment Protection Agency's Clean Water State Revolving Loan Fund for FY 2012.

Sincerely,



Anita Winkler
Executive Director

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TESTIMONY OF ANITA WINKLER, EXECUTIVE DIRECTOR
OREGON WATER RESOURCES CONGRESS

Submitted to the United States House of Representatives Committee on Appropriations
Subcommittee on Interior and Related Agencies,
April 1, 2011

RE: FY2012 Budget for the U.S. Department of Interior U.S. Fish and Wildlife Service

Request

The Oregon Water Resources Congress (OWRC) requests \$25 million to fully fund the U.S. Fish and Wildlife Service Fisheries Restoration Irrigation Mitigation Act (FRIMA) program in FY 12 as authorized in the Omnibus Public Lands Act P.L. 111-11, Section 13002. OWRC continues to be disappointed that the Administration has not requested any funding in the FY12 Budget submission for this program.

Need

OWRC was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agriculture water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. OWRC members operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

There are over 100 irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all of these districts are affected by either state or federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species.

Fish passage and fish screen needs have become critical to fishery protection:

- to keep protected fish species out of water canals and delivery systems;
- to allow fish to be safely bypassed around reservoirs and facility structures; and
- to eliminate water quality risks to fish species.

FRIMA fills a special niche in U.S. Fish and Wildlife fishery protection programs.

Oregon irrigation districts anticipate no less than \$500 million in funding will be required to meet fish passage and fish screen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Project needs include both construction of new fish screens and fish passage facilities as well as significant upgrades of existing facilities to meet new requirements of the NOAA Fisheries Service and the U.S. Fish and Wildlife Service.

Background of Fisheries Restoration Irrigation Mitigation Act (FRIMA) Program

FRIMA, enacted November 2000, created a federal partnership program entailing voluntary cost-share fish screen construction for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The U.S. Fish and Wildlife Service is to implement this program through the four states' fishery agencies. The funding goes to local governments for construction of fish screens and fish passage facilities. Irrigation districts and other local governments that divert water for irrigation can access the funding directly; individual irrigators can access funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with the Natural Resources Conservation Service.

The original legislation in 2000 (PL 106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest states. As one of the members of that coalition, we appreciate your consideration of this request.

When Congress reauthorized the program in 2009 in the Omnibus Public Lands Act minor clarifying changes were made to the legislation while reauthorizing the program for five more years at \$25 million a year.

Funding

The legislation calls for \$25 million annually, to be divided equally among the four states from 2001 forward. Agency administrative costs cannot exceed 6% of the funding. The Service has never requested funding for FRIMA in its budgets since passage of the legislation. Congress provided the first funding in 2001 through a write-in of \$4 million to be shared among the four states. The agency did not get the program up and running until late 2002, at which time the first moneys were distributed.

In 2000, in its report accompanying the initial authorizing legislation for FRIMA, the Congressional Budget Office (CBO) estimated outlays of \$70 million between 2001 and 2004. The actual appropriation was only \$8.8 million during that time period and all of the money was a write-in. For FY05, Congress provided \$2 million for the program in the Consolidated Appropriations Act and, \$2 million in FY06. The FY07 funding of \$1 million was part of an appropriation to the U.S. Fish and Wildlife Service but was not a separate, designated appropriation. Again, all of those appropriations were the result of Congressional write-ins, not U.S. Fish and Wildlife Service budget requests.

As you can see, total amount of money that Congress has written in for the program is woefully inadequate for the accomplishments anticipated for the program. The Administration did not request funding for the program for FY 12, consistent with its past budget submittals, despite widespread benefits from the money that Congress has provided.

OWRC appreciates the funding Congress has provided for the FRIMA program. That funding has begun to address the need for fish screens and fish passages to protect sensitive, threatened, and endangered fish species in the states in the Northwest but there still continues to be a significant need.

Project Benefits

A report by the U.S. Fish and Wildlife Service covering program years FY2002-2004 provides state- by-state coverage of how the Congressional provided funding has been used in the program. Funding funneled through the Service to state fishery agencies is distributed using an application and approval process that is based on a ranking system implemented uniformly among the states, including the following factors: fish restoration benefits, cost effectiveness, and feasibility of planned structure. The project must provide improved fish passage or fish protection at water diversion structures and must benefit fish species native to and present in the area, including those listed on state or federal endangered species or conservation lists. The project must use applicable state and federal requirements for project construction and operation.

FRIMA-funded projects will increase the survival of many native fish species in a relatively short period of time. Compared to other recovery strategies, the risks posed by these activities are low and the assurance of success in increasing numbers of fish is high. Dislocation of existing social and economic activities is minor. Screening and passage can make a very substantial contribution utilizing existing implementation mechanisms and methods well accepted by landowners and rural communities.

Cost Share

FRIMA provides for a maximum federal cost-share of 65%. The applicant's cost-share is 35% plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the state agencies monitor and review the projects. For more information, see the Services' Fisheries Resources website for the Pacific Region at <http://www.fws.gov/pacific/Fisheries/FRIMA>. This program is headquartered in the Portland, Oregon regional office of the Service.

Oregon's Project Benefits

Twenty-five fish screens or fish passage projects in Oregon have been funded using funding from FRIMA for part of the project since the start of the FRIMA program. In addition, the Oregon Department of Fish and Wildlife has used some of the FRIMA funding to develop an inventory of need for fish screens and passages in the state. Grants have ranged from just under \$6,000 to \$400,000 in size with a local match averaging 51.4%, well over the amount required under the Act (65%). In other words, each federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has used some of its FRIMA money:

Santiam Water Control District Project: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, Oregon Department of Fish and Wildlife, Marion Soil and Water Conservation District, and the City of Stayton. Approved **FRIMA** funding of **\$400,000** leverages a **\$1,200,000** project. Species benefited include winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and Oregon Department of Fish and Wildlife. Approved **FRIMA** funding is **\$372,000** and leverages a **\$580,000** total project cost. Species benefited include listed summer and winter steelhead, coho salmon, and cutthroat trout.

Running Y (Geary Diversion) Project: Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, Oregon Department of Fish and Wildlife, and Jeld-Wen Ranches. Approved **FRIMA** funding of **\$44,727** leveraged a total project cost of **\$149,000**. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens Project: Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and Oregon Department of Fish and Wildlife. Approved **FRIMA** funding is **\$5,691**, leveraging a total project cost of **\$18,970**. Species benefited include red-band trout, short-nosed sucker and Lost River sucker.

Oregon Department of Fish and Wildlife Inventory Project: Inventory to be conducted by Oregon Department of Fish and Wildlife to identify FRIMA-eligible passage and screening projects within the Rogue and Klamath basins of southwestern Oregon. Approved **FRIMA** funding is **\$76,000**. Estimated total project cost is **\$125,000**.

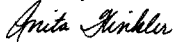
Why Fund Now

FRIMA funds projects that are ready to be constructed and will provide immediate improved protections for fish and immediate jobs for the construction of the projects. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. That is why it is important that this program be funded now. While we acknowledge the efforts of the U.S. Department of Interior and its agencies in habitation restoration through the Cooperative Landscape Conservation Program, this is a longer range program for fish and habitat protection. FRIMA projects provide immediate protection for fish.

We urge the full authorization funding of \$25 million for FY 2012 and urge Congress' oversight in encouraging the U.S. Fish and Wildlife Service to budget for this successful program in the future.

Thank you for the opportunity to provide this statement for the hearing record.

Sincerely,



Anita Winkler
Executive Director

U.S. Commissioners
David Bedford
Dr. Jeffrey P. Koenings
Olney Patt, Jr.
Larry Rutter

**UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION**

Office of the
U.S. Section Coordinator
7600 Sand Point Way N.E.
Building 1, F/NWR2
Seattle, WA 98115
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**Statement Submitted by
Dr. Jeffrey Koenings on behalf of
W. Ron Allen, Chairman, Budget Committee
U.S. Section of the PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
(Bureau of Indian Affairs and U.S. Fish and Wildlife Service Programs)**

May 3, 2011

Mr. Chairman, and Honorable Members of the Committee, I am Dr. Jeffrey Koenings and I am presenting written testimony on behalf W. Ron Allen, Alternate Commissioner on the Pacific Salmon Commission (PSC) and the Chairman of the U.S. Section's Budget Committee. The U.S. Section prepares an annual budget for implementation of the Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Under the Bureau of Indian Affairs budget, the U.S. Section recommends that Congress:

Fund the tribes' program at a restored funding level of \$4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of \$680,000 over the FY 2010 enacted levels and the President's recommended FY 2011 level. This funding level represents status quo funding plus adjustments to meet increased obligations under the 2009-2018 Pacific Salmon Treaty Agreement. The funding for tribal participation in the U.S./Canada Salmon Treaty is a line item in the BIA's budget under the Rights Protection Implementation, Wildlife and Parks, Other Recurring Programs Area.

Under U.S. Fish and Wildlife Service programs, the U.S. Section recommends that Congress:

Provide base funding of \$417,000 for USFWS participation in the Treaty process, and provide funding of \$315,000 for the Pacific States Marine Fisheries Commission's Regional Mark Center. This funding level represents an increase of \$65,000 over the FY 10 enacted level for the Mark Center to make up for losses from other programs and allow the Mark Center to maintain the same level of service to the US Section.

This base funding for the U.S. Fish and Wildlife Service will pay for the critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange

with Canada. These program recommendations are integrated with those of the state and federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

A copy of the integrated U.S. Section Budget Justification has been made available to the Committee. The budget summary justifies the funding we are recommending today. All of the funds are needed for critical data collection and research activities directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the Pacific Salmon Commission is recommending an adjustment to the funding for the work carried out by the twenty-four treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with state agencies. All participating agencies need to be adequately funded to achieve a comprehensive US effort to implement the Treaty.

We are strongly recommending maintaining base funding of \$417,000 for the U.S. Fish and Wildlife Service so the U.S. can maintain the critical database to implement the Treaty. We also strongly recommend funding of \$315,000 to allow continuation of work carried out by the Regional Mark Processing Center. This work, maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty, has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Fish and Wildlife Service will contract with the PSFMC to provide this service.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than twenty years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver Bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to

ensure cooperative management of salmon populations. In 2008, the U.S. and Canada successfully concluded lengthy negotiations to improve this management, including the adjustments to the coastwide abundance-based management regime for Chinook salmon and a framework for abundance based management for southern Coho populations. The agreement is intended to last through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expired in 2010 and negotiators worked out an interim arrangement while Canada's Cohen Commission completes its judicial inquiry on the Fraser River sockeye fishery.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the states, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continues these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section, through the Office of the U.S. Section Coordinator to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

**SUMMARY OF TRIBAL and FISH AND WILDLIFE SERVICE PROGRAMS UNDER
THE U.S.- CANADA PACIFIC SALMON TREATY**

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation

	FY10 Enacted Appropriation	FY12 Recommendation	Increase
BIA	\$4,120,000	\$4,800,000	\$680,000

U.S. Fish and Wildlife Service, Anadromous Fisheries

	FY10 Enacted Appropriation	FY12 Recommendation	Increase
USFWS	\$ 667,000	\$ 732,000	\$65,000

Testimony on the State & Tribal Wildlife Grants Program

Submitted by:
David M. Day
Conservation Coordinator
Pennsylvania Fish & Boat Commission
1601 Elmerton Avenue
Harrisburg, PA 17710
717.346.8137
davday@state.pa.us

I am writing to respectfully urge your continued support for the State & Tribal Wildlife Grants (SWG) Program for FY12. This appropriation to Pennsylvania and other states is crucial for halting the decline of imperiled species. In the past decade, the SWG Program has become an integral component in the Commonwealth's wildlife conservation efforts. State Wildlife Grants are matched with non-federal funds from a variety of state and non-governmental partners, thus allowing even greater work to be conducted. With increasing financial stresses on states and their partners, maintaining federal: non-federal match rate of 65:35 is an important aspect of the program.

Congress has had the exceptional foresight to recognize that endangered species prevention provides fundamentally efficient use of taxpayer dollars, and early intervention is the most effective approach. As a federal cooperative effort with the states and tribal entities, State Wildlife Grants provide preventative care of natural resources. In Pennsylvania, the Fish & Boat Commission, through SWG-funded projects, has gained incredibly valuable information about the distribution and abundance of species, for which we had prior minimal data. Consequently, we have been able to delist ten (10) species from the state threatened and endangered species list.

Additionally, the SWG Program has allowed the Commission and our partners to implement proactive projects that have benefitted several of the Commonwealth's most vulnerable species and habitats. Direct habitat restoration, exemplified by the Commission's nationally renowned fish passage program, has resulted in the removal of over 160 small dams since 2004. This habitat restoration improves water quality and opens critical habitat for numerous species of greatest conservation need. Further, through our environmental review process, funded by SWG, we are able to make prudent and appropriate decisions that protect species and their habitats while advancing societal needs. Increasing pressures from a variety of stressors and threats make the value of this program and essential part of species protection.

State Wildlife Grants funds are the only funds that make it possible for the Pennsylvania Fish & Boat Commission to monitor and manage at-risk species populations, manage and restore their critical habitats, and prevent further species decline. Together, the projects supported by State Wildlife Grants have improved public safety, served private landowners, supported small business contractors, and provided targeted management attention in every Congressional district of the Commonwealth. This proactive and cost-effective matching funds program provides a large return on a relatively small federal investment.

Written Statement of Roche Schulfer, Chair, Performing Arts Alliance

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations | United States House of Representatives

The Importance of Funding for the National Endowment for the Arts (NEA)
April 1, 2011

We urge the Committee to designate a total of \$167.5 million to the National Endowment for the Arts (NEA) for Fiscal Year 2012. Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance (PAA) and its member organizations – American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Association of Latino Arts and Culture, National Performance Network, OPERA America, and Theatre Communications Group. The PAA is a national network of more than 18,000 organizational and individual members comprising the professional, nonprofit performing arts and presenting fields.

This testimony is intended to highlight the importance of the federal investment in the arts in order to sustain a vibrant cultural community. With strong federal support, the NEA can widen citizen access to the cultural, educational, and economic benefits of the arts, and advance creativity and innovation in communities across the United States.

The NEA increases opportunities for the American public to enjoy and benefit from the performing arts. Since the establishment of the NEA in 1965, access to the performing arts has improved in communities large and small across the country. The NEA has helped foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, the NEA awards almost 2,400 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the finest the arts have to offer. This modest public investment in the nation's cultural life has resulted in both new and classic works of art reaching all fifty states and the U.S. territories.

The NEA contributes to the economic growth and development of communities nationwide. The arts are part of a diversified 21st-century economy. Along with nonprofit arts organizations, creative enterprises make significant contributions to state and local economies, generating employment and tax revenues and providing goods and services in high demand by the public. A strong arts sector is an economic asset that stimulates business activity, attracting companies that want to offer their employees and clients a creative climate and amenity-rich community.

The Nonprofit Performing Arts Community

The following member profiles of the Performing Arts Alliance, which include national service organizations representing new music, presenting, chorus, dance, musical theatre, Latino arts and culture, opera, orchestras, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to communities across the country.

New Music

American Music Center (AMC) is dedicated to building a national community of artists, organizations, and audiences, creating, performing, and enjoying new American music. Since its

founding in 1939, AMC has been a leader in providing field-wide advocacy, support, and connection. AMC supports the community by making grants to composers and ensembles each year and by offering professional development resources for new music professionals. AMC connects the community through an array of information services and through engagement with the broader performing arts field, providing benefits and services for nearly 2,400 members in all fifty states and twenty-five countries around the world.

Arts Presenters

Performing arts presenters bring professional performing artists from all over the world into the communities they serve and include organizations such as performing arts centers in major urban cities, academic institutions, festivals and fairs as well as the artists, artist managers, agents, local arts agencies, touring artists and companies who work together to engage communities in live performance experiences. The Association of Performing Arts Presenters (Arts Presenters), a national service and advocacy organization, represents an industry of more than 7,000 nonprofit and for-profit organizations, with members hailing from all 50 states and 28 countries on six continents around the globe. Arts Presenters' members bring performances to more than 2 million audience-goers each week and spend in excess of \$2.5 billion dollars annually, and the field of presenters serves more than 6 million audience members every week. The membership includes a range of organizations from very small presenting groups (under \$50,000 budgets) to multi-million dollar budgets and individuals who are artists or performing arts professionals, representing a diversity of performing arts fields.

Chorus

Chorus America's mission is to build a dynamic and inclusive choral community so that more people are transformed by the beauty and power of choral singing. Chorus America strengthens choral organizations and provides their leaders with information, research, leadership development, professional training, and advocacy to help them deliver the best possible contributions to their communities and to the choral art. The more than 1,600 choruses, individuals, and businesses that are members of Chorus America speak with a strong and unified voice to increase recognition of choral singing as an essential part of society.

Dance

Currently, there are over 600 fully professional dance companies in the U.S but only 15% of the United States' major professional dance companies are 45 years old or more. As an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, the U.S. can boast some of the great dance companies in the world. The key to this spectacular achievement was the creation of a national marketplace for dance, especially in the 1970s and 1980s. When the NEA instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in the U.S. NEA programs have continued to ensure that the best of American dance is for all of the U.S. and a showpiece for the rest of the world as well. In addition to the more than 600 professional dance companies, the U.S. has over one thousand pre-professional and semi-professional groups. According to 2009 data, the 288 dance companies with expense budgets of \$100,000 or more generated more than \$600 billion in economic activity across the U.S and employed over 12,000 people in a mix of full-time and part-time positions. These companies can be found in 40 of the 50 U.S. states and in the District of Columbia.

Fractured Atlas

Fractured Atlas is a nonprofit organization that serves a national community of artists and arts organizations. Their programs and services facilitate the creation of art by offering vital support to the artists who produce it, and they help artists and arts organizations function more effectively as businesses by providing access to funding, healthcare, education, and more, all in a context that honors their individuality and spirit. Their fiscal sponsorship program has grown from six local groups to over 2,200 nationally, and in 2011 their membership topped 16,000 artists and arts organizations, with an expanded audience of over 100,000 through their Open Arts Network. Fractured Atlas has been an arts industry leader in the use of technology to address challenges facing the arts community, share information and resources, and empower arts organizations with practical tools for managing their operations.

Musical Theatre

National Alliance for Musical Theatre (NAMT) is the national service organization dedicated exclusively to musical theatre and serving some of the leading musical theatre producers in the world. Last season, NAMT members collectively staged over 16,000 performances attended by over 11 million people, employed 15,500 people, and provided education programs for over 1 million students and teachers. NAMT has presented its Festival of New Musicals annually since 1989, bringing together theatre producers and writers, with the goal of furthering the development and production of new musicals. NAMT's Festival has showcased over 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide.

National Association of Latino Arts and Culture

Founded in 1989, the National Association of Latino Arts and Culture (NALAC) is the nation's only multidisciplinary Latino arts service organization. NALAC provides critical advocacy, funding, networking opportunities, and professional development training to build the capacity and sustainability of the Latino arts and cultural field to sustain artists and arts organizations in every region of the country. NALAC's constituency is a multi-ethnic, multigenerational, and interdisciplinary community that includes thousands of artists and hundreds of not-for-profit Latino arts and cultural organizations in the United States.

National Performance Network

The National Performance Network (NPN) is a group of diverse cultural organizers, including artists, working to create meaningful partnerships and to provide leadership that enables the practice and public experience of the contemporary arts in the U.S. As a nationwide network, NPN functions as an applied learning community. NPN's resources currently support and connect 61 performing arts organizations, called NPN Partners, in over 36 cities across the country. The NPN constituency ranges from two-person operations to multi-million dollar arts centers. NPN Partners are ethnically, culturally, and stylistically diverse and reflect a cross-section of urban, suburban, and rural communities that are generally under-represented. More than 425,000 audience members have attended NPN-sponsored performances and over 285,000 people have participated in NPN residency activities.

Opera

OPERA America members are found in communities all across the country - a total of 117 companies in 43 states. In the U.S., over half of these companies were established after 1970, making the growth of opera throughout North America a relatively new phenomenon. Over 4.3 million people attended a live performance at one of OPERA America's Professional Company Members in 2009, including education and outreach programs, and festivals. In 2009-2010,

OPERA America's Professional Company Members in North America presented 2,100 performances and 449 fully staged main season and festival productions. All together, the opera companies of America provide more than 55,000 full-time and part-time employees. Expenses for OPERA America companies in the U.S. were nearly \$1 billion, approximately 60 percent of which went directly to artist salaries, taxes, and benefits.

Orchestras

Supported by a network of musicians, volunteers, administrators, and community leaders, America's symphony, chamber, collegiate, and youth orchestras total more than 1,800, existing in every state and territory, with annual budgets ranging from less than \$10,000 to more than \$90 million. More than half a million individuals are involved in orchestras, including conductors, staff, board members, musicians, and volunteers. Orchestra revenue totaled \$1.69 billion in 2008-2009, and their economic impact exceeds several times that amount as orchestras create jobs, engage in commerce with local businesses, and spur local expenditures on related goods and services. NEA grants to orchestras and the communities they serve support arts education for children and adults, expand public access to performances, preserve great classical works, and foster the creative endeavors of contemporary classical musicians, composers, and conductors. Orchestras now offer nearly 13,000 education concerts, more than 1,000 community engagement concerts, and more than 40 kinds of programs, including pre-school programs; in-depth, multi-year community residencies; and long-term partnerships with schools.

Theatre

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large measure to the pivotal role played by the NEA since 1965, the nonprofit theatre field consists of more than an estimated 1,800 theatres located in major metropolitan centers, urban neighborhoods, suburbs, and rural communities. Theatre Communications Group (TCG), the national organization for the American nonprofit theatre, reports that the estimated 1,825 nonprofit professional theatres in the U.S. employ more than 128,200 theatre workers – actors, directors, playwrights, designers, administrators, and technicians – and constitute a nearly \$1.9 billion industry. Collectively, these theatres are estimated to have offered 187,000 performances that attracted 30 million patrons. Based on recent surveys of 180 nonprofit theatres, TCG reports that over 1,300 outreach and educational programs are in existence today, serving over 2.7 million people. The direct impact of a theatre receiving funding from the NEA comes not only in the form of project grants, but also in the multiplier effect that NEA grants, through its matching funds requirement, have on theatres' abilities to leverage and attract other private and public funding.

Conclusion

Performing arts organizations are a vital component of community life, allowing citizens to appreciate our nation's culture and heritage through excellent artistic programming. The arts illuminate the human condition, our history, contemporary issues, and our future. The NEA is an investment that realizes significant returns on the federal dollars invested, both measurable and intangible. We urge you to designate no less than \$167.5 million to the NEA. Thank you for your consideration of our request.

Why a pollution test caused the failure of the world's water pollution programs.

By: Peter Maier, PhD, PE

January 17, 2011

Sewage contains carbonaceous (fecal) waste and nitrogenous (urine and protein) waste, which both are used by two different types of bacteria. Treatment plants are actually bacteria feedlot operations to break down this waste, while containing them under controlled conditions. Since the two types are different and have different requirements, it is essential to know how much and what type of waste has to be broken down, thus what type of holding areas are needed and how much oxygen would be required for this process. This oxygen demand can be measured with the BOD (Biochemical Oxygen Demand) test.

Another important design criteria is the amount of sewage (flow rates) expected. This in turn will depend on in what type of sewer collection system this sewage is collected. Older cities will mostly have combined sewer systems, whereby both sanitary sewage and storm water is collected and which of course do require much larger hydraulic capacity as compared to separate sewer system, where only sewage is collected. To handle extreme high flows, combined systems also have CSOs (Combined Sewer Overflows), where during such periods both sewage and storm water is directly discharged into open water. Separate systems have the disadvantage that storm water in many cities is not as clean as was expected and that this storm water has become a major untreated pollution source.

The selection of sewage treatment therefore not only depend how much carbonaceous and nitrogenous waste is in sewage, but also on the flow rates in what type of sewage collection system this sewage is collected.

The BOD test, developed in England around 1920, measures the oxygen use by heterotrophic bacteria using carbonaceous (fecal) waste, exerting a C-BOD and autotrophic bacteria using nitrogenous (urine and protein) waste exerting a N-BOD. Biochemical tests are slow, so it will take at least 30 days before all the waste is broken down into CO₂, NO₃ and water, while the test still does not show how much oxygen is used by the heterotrophic and how much by autotrophic bacteria. However, since very fresh raw sewage hardly contains autotrophic bacteria, the test during the first 6 to 8 days only measured the oxygen use by heterotrophic bacteria and since the oxygen used by autotrophic bacteria also can be measured by the faster TKN (Total Kjeldahl Nitrogen) test, it was possible to calculate the total BOD already after 5 days, by using the following formula: $\text{Total BOD} = 1.5 \times \text{BOD}_5 + 4.6 \times \text{TKN}$.

Average sewage (according the literature) will measure BOD₅ = 200 mg/l and TKN = 40 mg/l, hence $\text{Total BOD} = 300 + 184 = 484 \text{ mg/l}$. Unfortunately, when EPA implemented the CWA, it used only the BOD₅ value and since 'secondary treatment' was supposed to be 85% treatment, the BOD₅ of secondary treated sewage should be less then (85% of 200) 30 mg /l.

Since autotrophic bacteria already are present in many sewage collection system and sewage treatment plants, there is no 5-day delay, as was found in 1920, so many sewage treatment plants in the seventies violated their discharge permits, while in fact the higher than 30 mg BOD₅ /l

reading was actually partly N-BOD5. In these cases, plants were violating their discharge permits, while in fact treating the sewage better than was required by their permits.

In 1984 EPA acknowledged this problem and allowed the C-BOD5 test, which is the same BOD5 test, except that a certain chemical is added that will only kill the autotrophic bacteria. It was estimated that 60% of the plants in the seventies out of compliance came into compliance by adding this chemical to their test.

However, by allowing this EPA not only lowered the final goal of the CWA from 100% treatment (elimination of all water pollution by 1985) to a measly 35% treatment, but also officially ignored nitrogenous (urine and protein) waste, while this waste besides exerting an oxygen demand also is a fertilizer for algae, causing eutrophication often resulting in red tides and dead zones. This, while it still is impossible to evaluate the real treatment performance of a sewage treatment plant and establish what its effluent waste loading is on receiving water bodies.

Since we still also do not know how much carbonaceous and nitrogenous waste is in raw sewage, the chances are that sewage treatment plants are designed to treat the wrong waste, as most engineers still assume that the BOD5 in raw sewage represents its C-BOD5 value only, while in many cases (especially warmer climates) this is not the case.

The only correct way to use the BOD test is to use the C-BOD5 test in combination with the TKN test: $BOD = 1.5 \times C-BOD5 + 4.6 \times TKN$.

This will provide the only correct data how much carbonaceous and how much nitrogenous food has to be broken down in these bacteria feedlot operations, called sewage treatment plants.

Summary of Consequences, as the result of using the BOD test incorrect.

1. Government regulations failed to achieve any of its goals as 60% of the pollution Congress intended to prevent, was ignored.
2. EPA ignored nitrogenous (urine and protein) waste, while this waste besides exerting an oxygen demand also is a fertilizer for algae, thus contributes to eutrophication, causing dead zones and red tides.
3. Since it still is impossible to evaluate the real treatment performances of sewage treatment plants, it is impossible to compare the different treatment processes and therefore makes any cost-benefit engineering analysis of different treatment processes worthless.
4. Since it also is impossible to know the real effluent waste loading on receiving waters, this data is misleading when used in TMDL watershed programs.
5. Raw sewage can already be N-BOD5 and when design engineers still assume that it only represents C-BOD5, sewage treatment plants will be designed to treat the wrong waste.
6. Better sewage treatment was accomplished by adding treatment processes, only after stricter treatment criteria were required. Primary, secondary and now tertiary treatment.
7. When the oxidation ditch was developed in 1950, which contained all these additional treatment processes in one process, it was not recognized, because there was no correct test data available and engineers were solely focused in meeting effluent standards.

8. Improving the oxidation ditch process by adding final clarifiers was a mistake, as it caused hydraulic limitations. The original concept allows inexpensive solutions to the problems now experience with combined sewer collection system, eliminating CSOs.
9. The lack of correct test data and unwillingness to even discuss this, has created an atmosphere of denial, which promotes the status quo, sticking only to traditional systems, which were original only odor control facilities and also inhibits innovation.
10. The fear of exposing what happened with the CWA, now interferes with other environmental issues (air pollution, climate change, acidification of oceans, forest fires, etc) impacted by the huge increase of reactive nitrogen in our biosphere.

For House Committee on Appropriations
Subcommittee on Interior, Environment and Related
Agencies

Priscilla Cohn, Ph.D., Professor Emeritus, Founder and Director of PNC, Inc., Villanova, PA, USA, a 501 (c) 3 Foundation; Associate Director of the Ferrater Mora Oxford Centre for Animal Ethics, Oxford, UK.

Comments on the Multi-million Dollar Tax Funded Deer Management Plan of Valley Forge National Historical Park (VFNHP)

PNC Offer

PNC, Inc. offered to fund deer fencing for the 4 ten acre forested plots mentioned in the VFNHP "Deer Management Plan" and to fund PZP immunocontraception for 1,000 deer. This offer was made to respond to the *perceived* problems in the Park.

VFNHP Plan

VFNHP planned to kill 1,000 deer in 4 years because they claim the deer are destroying some wooded plots ("forests") in the Park. The Deer Management Plan states that "Forest regeneration has been selected as the primary measure of plan success" and also "The purpose of the plan is to develop a deer strategy plan that supports *protection, preservation and restoration of native vegetation...*" (My emphasis). They also assert that decimating the herd will help prevent Chronic Wasting Disease, CWD, a lethal illness. In 2010-2011 they killed 600 habituated deer.

Park Plan Unnecessary and Wasteful

The Plan to kill deer is unnecessary since 1) Fencing would meet all the goals of the planned deer cull: "protection, preservation and restoration of native vegetation," 2) Fencing would *immediately* protect the forest whereas a cull allows the remaining deer to continue to eat the forest understory, 3) Fencing is more effective since it keeps *all* the deer out and prevents them from eating anything in the woods., 4) Fencing would NOT cost the public anything. 5) **The offer of fencing meets all these objectives more efficiently and more quickly than killing large numbers of deer** since studies show that a small number of deer can prevent restoration of damage that was caused by a large number of deer over many years.

Disadvantages of a Cull

Culls are expensive: the estimated cost is \$200 per deer killed; this estimate is probably low. 2) Killing a large number of deer reduces the gene pool, 3) creates a vacuum, a depopulated environmental niche, inviting deer--perhaps diseased--from outside the Park to move into it, 4) causes

compensatory reproduction whereby female deer breed earlier than normal and have twins or triplets rather than a single birth, thus leading to herd increases necessitating constant killing year after year, 5) killing upsets social organization, often exacerbating the original problem (Rory Putman, *The Natural History of Deer*), 6) is ineffective as corroborated by Ridley State Park, Tyler State Park, and Fairmount Park, all in PA, where killing is "necessary" year after year—in some parks for as long as 20 years or more. 7) A large, violent reduction means that the formerly habituated and readily visible Park deer will become shy, will eat at night and the visitors who come to see them will be unable to do so.

Danger of Park Plan

Recently published research demonstrates that CWD is transmitted through prions in deer feces from apparently healthy deer. These prions bind with clays in the earth (and cannot be extracted) so that another deer eating in that spot gets the prions in his mouth and becomes diseased and spread the disease further.

Thus, according to these newly discovered facts, scientists maintain that the most reckless act in regard to CWD is to move—or remove—deer creating a vacuum so that if there is a (not yet detected) diseased deer outside the Park, the disease will spread as new deer come into the Park.

Misleading Park Response Quoted to Offer of Assistance

(My response in red)

On August 20, 2009, the NPS met with a representative of Protection, Needs, and Care of Animals (PNC, Inc.). During this meeting, PNC, Inc. made an offer of assistance with implementation of non-lethal deer management actions. The offer entailed partial funding for the installation of a small amount of fencing in forested areas of the park, (the offer of fencing was made for 4 ten acre plots, which were the "forested areas" mentioned in the Park's Plan) funding for a limited number of doses of a chemical reproductive control agent, (funding was offered for 1,000 female deer—hardly "a limited number" in the usual understanding of this expression—which is the number they plan to kill in 4 years. There is no evidence that they can kill that many deer and indeed, there is a footnote saying lethal methods will continue if they do not kill that many and the price per deer may increase) and funding for three individuals to assist with delivery of the agent. All elements of this offer were conditional upon eliminating lethal removal as a deer management tool. This offer represents limited implementation of actions described under Alternative B (Combined Nonlethal Actions) in the Final plan/EIS on pages 2-24 to 2-35. The NPS did not select this alternative for

implementation because it would only allow the NPS to partially achieve the objectives of the plan (see Table 7 on pages 2-69 to 2-71 in the Final plan/EIS). Additionally, Alternative B would result in longterm major adverse impacts to park resources, and public safety (see Chapter 4, Environmental Consequences in the Final plan/EIS). Adverse impacts result primarily from the fact that the rate of population decline using only reproductive control would be very gradual. (60% reduction in 9 years is hardly gradual. This was achieved on Fire Island (published data in peer-reviewed journals) and an even faster reduction could be expected with newly developed technology involving long term formulations of PZP). As described in the Final plan/EIS, the use of reproductive controls alone would take 18-19 years to achieve the deer density goal (No, this contradicts all published data. There is no data showing that lethal means will accomplish their goals). (see pages 2-24, 2-32, 4-22, 4-33, and 4-45 of the Final plan/EIS). Therefore, the abundance and diversity of plant communities would continue to decline in areas outside rotational fences, or 85-90% of the forested area park. (The offer was NOT for rotational fencing. Many areas of the park are not forested, but rather grass lands and as such saplings do not grow there and are not needed there). No forest regeneration would occur outside fencing, (there is no forest regeneration in grasslands) and once fencing was rotated (the offer was not for rotational fencing—that was their plan, not the offer) these revegetated areas would again be exposed to heavy deer browsing and resulting removal of the forest understory. (Even killing large numbers of deer will not prevent the remaining deer from continuing to eat in forested areas if in fact they have already done so. Research corroborates this point) Additionally, the amount and quality of wildlife habitat in the park would continue to decline, (NO, note that no mention is made of what kind of wildlife habitat would decline. With fencing, the habitat of ground nesting birds, one of the few species mentioned, would be protected) archeological resources outside of fenced areas would continue to erode due to loss of plant cover (this is ridiculous: the so-called "archeological resources" have declined because of neglect, not because they are lacking plant cover. Indeed, plant cover is often said to cause damage to historical buildings, not lack of it) land trampling by deer, (there will be much more trampling of land and compacting of earth with trucks dumping many pounds of food (corn and apples) to lure the deer to their death and carrying away dead deer bodies. Deer in Valley Forge probably weigh on average 60 pounds or so. If they kill only 10 or 12 deer each night at each feeding plot, the trucks that remove the dead bodies will then weigh an additional 600-720 pounds, doing more damage than the deer could possibly do. If they have killed 600 deer, corpses weighing a minimum of 36,000 pounds have been carried through the Park) and the incidence of deer-vehicle collisions would remain high. (The Park and the PA Game

Commission admit that deer vehicle collisions increase when deer are being shot: they run in panic, often onto roads. The Park has already admitted that there may be a few extra accidents. This is a rather cavalier attitude when human life may be at stake. Insurance statistics also corroborate this point.

PNC, Inc. made the offer of contraception before the September study in *Nature* revealed how CWD in deer is transmitted. These new findings reveal the danger of moving deer. Although the NPS appreciates the offer made by PNC, Inc. it was declined because of the unavoidable adverse effects of Alternative B described above.

VFNHP apparently ignores recent scientific research not only on CWD, but also on the effects of culling. For example. In an article entitled "Indirect Effects of a Keystone Herbivore Elevate Local Animal Diversity, E.R. Greenwald asserts "Our results suggest the counterintuitive possibility that such reductions could adversely impact some populations of common amphibians, reptiles, and invertebrates. Management plans should explicitly address this possible outcome. " Note the designation of deer as a "keystone species" namely a species on which the existence of a number of other species depend.

Only by ignoring or distorting the facts is VFNHP able to reject PNC's offer. The only possible conclusion is that the Plan of VFNHP is a useless, ill-conceived effort that wastes tax dollars and shows utter contempt for the hard-pressed taxpayer.

VFNH Park Continues to Mislead the Public

The Park recently released a series of Frequently Asked Questions that continue what seems to be their policy of misleading the public. The Park asserts that the "increasing deer population over the last two decades has prevented the ability of native forests to grow and mature." They neglect to mention that according to their own records the deer herd has DECREASED over the last few years.

The Park further states that "When an acceptable reproductive agent becomes available" they will use it and that "Expert review and comment was provided by Dr Allen Ruberg and Dr. Jay Kirkpatrick." The Park neglects to say that both researchers were highly critical of the Park's original comments on contraception, calling them "biased" or just wrong and that both scientists, due to their years of research in the field as well as in the laboratory, believe that PZP is an effective tool that could be used immediately just as it is being used on wild horses in the western US.

If the public is misled and misinformed, we cannot give effective advice and consent.

In my opinion VFNHP has engaged in shameful and dishonest behavior that is a disgrace to our government.



Name: Patrick Themig
Title: Vice President, Generation
Organization: PNM Resources, Inc.

April 11, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/s/

Patrick Themig
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Erik M. Hein, President, Preservation Action
Testimony Submitted to the Appropriations Subcommittee on the Interior, Environment
and Related Agencies, U.S. House of Representatives, regarding the FY12 appropriations
for State and Tribal Historic Preservation Offices, Save America's Treasures, Preserve
America and National Heritage Areas.

Mr. Chairman and Members of the Subcommittee:

Thank you, Chairman Simpson, Ranking Member Moran, and other honorable members of the subcommittee, for the opportunity to submit written testimony on the FY12 appropriations for Interior, Environment and related agencies.

We are writing to request \$70 million in appropriations for the Historic Preservation Fund (HPF). We ask that the funding be allocated at \$50 million for State Historic Preservation Officers (SHPOs), \$11 million for Tribal Historic Preservation Offices (THPOs) and \$9 million for the Save America's Treasures and Preserve America programs. **Reflecting the need for our country to reduce spending, this amount represents a ten percent decrease in combined program funding compared to fiscal year 2008.** We are also seeking level funding (\$17.8 million) for National Heritage Areas, paid for out of the National Recreation and Preservation Account.

We are very concerned about the proposed elimination of the Save America's Treasures (SAT) and Preserve America (PA) programs, which were permanently authorized by President Obama under P.L. 111-11 on March 30, 2009, and the substantial reduction for National Heritage Areas in the Administration's FY12 Budget. We believe the justification provided by the Administration for these eliminations and reductions, when looking at their overall budget, seems to unfairly position a land acquisition agenda ahead of one of stewardship, heritage preservation, and economic development.

SHPOs and THPOs – Awarded \$46.5 million and \$8 million in FY10 respectively via the HPF, we ask for \$50 million and \$11 million in FY 2012.

The administration has proposed a modest increase for SHPOs of \$3.5 million – which we fully support. SHPOs carry out the Federal historic preservation program that provides citizens the tools needed to revitalize, rehabilitate, and protect the places that give meaning to America. Funding for SHPOs, that is required to be matched by the states, leverages investments through local jobs, non-federal contributions and long-term economic development. **In 2010, the Rehabilitation Tax Credit, administered by SHPOs, leveraged nearly \$3.5 billion in private investment and created over 41,000 jobs.** SHPOs, as required by the National Historic Preservation Act of 1966, also review federal projects for their potential impact on historic sites. In 2010, 242,000 projects were reviewed. Another vital component administered by the SHPOs, the Certified Local Government Grant program provides grants and assistance to 1,763 communities throughout the nation.

THPOs carry out many of the same functions as SHPOs on tribal lands. There are currently 117 THPOs, compared to only 12 in FY96 when the program was first funded. Unfortunately,

the amount of funding annually appropriated to the THPO program has not kept pace with this expansion. Therefore, the addition of new THPOs each year without additional funding actually means substantial budget cuts – to the point where it is hardly enough to operate the program. Recognizing this, the Administration has proposed a \$3 million increase – which we whole-heartedly support.

Save America's Treasures - Awarded \$25 million in FY2010 via the Historic Preservation Fund, and Preserve America, awarded \$4.6 million from the National Recreation and Preservation Account. We request \$9 million combined for both programs in FY 2012 paid for out of the HPF.

The SAT program, proposed for zero funding in the Administration's budget, was created in 1998 by Executive Order and permanently reauthorized by President Obama in March of 2009. The program aims to provide matching funds for the restoration of resources significant to our national heritage. With broad bipartisan support in Congress and the leadership of the two previous administrations, SAT funds have brought new life to irreplaceable historic treasures – including buildings, documents and works of art. SAT has also provided tremendous benefit to projects and sites such as Ellis Island, Valley Forge, Thomas Edison's Invention Factory, Mesa Verde, Dr. Martin Luther King's Ebenezer Baptist Church, and the Star Spangled Banner. And since these projects require skilled labor and the program requires matching funds, not only has it helped to save our heritage, but it has generated jobs and economic development.

Since the program's creation, in return for a modest \$318.2 million investment, 1,245 projects have received assistance resulting in **over \$400 million in private investment. Moreover, SAT projects have resulted in the creation of more than 16,000 full-time jobs.**

Preserve America grants (also proposed for zero funding by the Administration), administered by the National Park Service, support projects in five categories: research and documentation, planning, interpretation and education, marketing, and training. The program helps local communities develop **sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets.** Successful projects feature public-private partnerships and serve as models to communities nationwide for job creation in heritage tourism, historic preservation and education, as well as spurring economic development in the Preserve America communities.

Funded activities have included rural or downtown survey and documentation projects; way-finding, signage, and interpretive guides; regional tourism planning and development initiatives; marketing and promotion plans; and hospitality and docent training. Eligible applicants include designated Preserve America Communities (of which there are almost 800); State Historic Preservation Offices, Tribal Historic Preservation Offices, and Certified Local Governments that are in the process of applying for Preserve America Community designation.

Recognizing the difficult economic times we are in, and our country's need to better leverage our existing programs, we respectfully request \$9 million total for both the SAT and Preserve America programs. We are aware that in the past, approximately half of the SAT grants were awarded via Congressional earmarks. In keeping with this Congress's decision to eliminate

earmarks, this amount will keep these important programs alive and give us the opportunity to focus entirely on competitive grant awards, to further improve their effectiveness, and to assure they are providing the best possible return on investment.

National Heritage Areas - Awarded \$17.8 million in FY2010 from the National Recreation and Preservation Account. We request level funding for FY 2012.

National Heritage Areas, of which there are 49, are designated by Congress because their natural, cultural, historic, and scenic resources are considered uniquely representative of the American experience. While the National Park Service provides technical assistance and funding, 85% of the support for National Heritage Areas comes from the impacted regions through private, state, and local government sources. The federal seed monies have spurred grassroots conservation efforts that are self-determining, self-defined and thereby reflective of their individual values in a national context. Each program is customized based upon the significance, threat, resources and need of each community.

Tourism is a major economic development and job creation tool. **In 2006, travel and tourism generated \$740 billion to the U.S. economy and employed 8 million people.** In National Heritage Areas, as a result of direct and indirect sales, an estimated **152,324 jobs are supported that pay \$3.2 billion in wages and salaries.** Overall, **cultural heritage travelers contribute \$192 billion annually to the US economy.** They contribute by paying not only for plane tickets and hotel rooms; **they support the small businesses wherever they go.**

The Administration has proposed a 50% reduction in funding for National Heritage Areas, citing a need to draft program specific legislation to better define their scope and purpose and to set metrics for success. While we certainly support effective program legislation, cutting funding by 50% because the legislation does not exist yet is counterproductive – unfairly harming the very programs they are attempting to better define. Given the economic value of Heritage Areas, the number of jobs they produce, and their ability to tie together history, place, tourism and environment – we support level funding of \$17.8 million in FY 2012.

Land Acquisition versus Preservation and Stewardship

The Administration's justification of the elimination of SAT and PA, according to the President's budget document, is so that they can direct resources to the SHPOs and THPOs. We find this to be a false either/or proposition. In order to achieve what is in total \$6 million in increases for SHPOs and THPOs via the Historic Preservation Fund (authorized at \$150 million per year), they have cut \$25 million with the elimination of SAT. This is at the same time that they, as a part of the America's Great Outdoors initiative, are proposing funding at fully authorized levels for the Land and Water Conservation Fund (LWCF), used primarily for land acquisition, at \$900 million – a 50% increase.

The history of the HPF and the LWCF is interconnected. The LWCF was established in 1965 for the acquisition and development of public outdoor recreation areas and facilities. The source of funding, rather than tax dollars, is lease revenue generated from oil and natural gas drilling on the Outer Continental Shelf (OCS). Recognizing the need to protect our cultural

resources in concert with our natural resources, in 1976, the LWCF Act was amended to include the Historic Preservation Fund to carry out the purposes of the National Historic Preservation Act of 1966. Like the LWCF, the HPF is funded from OCS lease revenue.

The LWCF is authorized and receives \$900 million in deposits each year, and the HPF \$150 million. Subject to the annual appropriations process, however, neither has ever received full appropriations – leaving substantial balances in both funds that have yet to be used for their intended purpose. To be clear, we do support both programs. However, we can not in good conscience support a 50% increase for one with a more than 20% cut to the other.

This is at the same time the Administration is also proposing a \$77 million cut in National Park Service construction funding. With a well-known and documented backlog of deferred maintenance and deteriorating historic resources, again it seems that an emphasis on land acquisition is taking too much precedence over the preservation of our existing resources.

The “Organic Act of 1916” created the National Park Service in the Department of the Interior “...to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired...” Since 1933, the NPS has managed the Historical American Buildings Survey, the Federal government’s oldest historic preservation program responsible for the creation of more than **556,900 measured drawings, large-format photographs, and written histories for more than 38,600 historic structures and sites.** The National Historic Preservation Act of 1966, which forms the basis of our Nation’s federal historic preservation program within the Department of the Interior, further expanded the role of the NPS in the designation and maintenance of historic resources. Coupled with the fact that the **NPS is the steward of more than 27,000 significant structures, 66,000 archaeological sites and 115 million objects in museum collections,** one could argue that **not only is historic preservation an integral part of the mission of the NPS, it helps define it. As such, we believe it is inappropriate to seek a disproportionate increase in acquisition funding at the expense of the preservation of what we are already responsible for.**

Historic Preservation is a Core Responsibility of the National Park Service

Our nation’s cultural resources and natural resources are BOTH important. A focus on land acquisition without an equal focus on preservation, stewardship and maintenance would not only be short-sighted, but it is in conflict with the dual mission of the National Park Service. It would also do so at the expense of jobs, private investment and economic development.

We respectfully urge you to correct this error and in addition to \$50 million for SHPOs and \$11 million for THPOs, to please provide \$9 million in funding for the SAT and Preserve America programs and \$17.8 million for National Heritage Areas.

Preservation Action is a national non-profit grassroots member organization founded in 1974 representing a broad constituency of citizens, community volunteers, government officials and preservation professionals and organizations dedicated to sound historic preservation and community revitalization policies.



ARLEN QUETAWKI, SR.
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WILLARD ZUNIE
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Officially known as the Zuni Tribe of the Zuni Indian Reservation

Hearing before the House Appropriations Committee Subcommittee on Interior, Environment and Related Agencies on the Fiscal Year 2012 Budget

Testimony of the Honorable Arlen Quetawki
Governor, Pueblo of Zuni

April 12-13, 2011

Keshi, ko'don dewanana a'deya'ye. My name is Arlen Quetawki and I am the Governor of the Pueblo of Zuni. It is an honor to be able to present this testimony to the Committee. My Tribe's current land area covers some 450,000 acres in western New Mexico and a northeastern portion of Arizona, about 150 miles west of Albuquerque, NM. Although we face many challenges, we are fortunate that we still live in our ancestral homelands. Ours is a very traditional and humble community, and I invite the Chairman and members of this Committee to visit with us in Zuni. You will not be disappointed.

I submit this testimony because decades after we first started contracting with the Government. The Government still fails to honor our contracts by failing to pay the contract support costs the Government admits it owes. The time is long past when this shameful conduct must end, and when the Government's practice of repeatedly breaching agreements with our Tribe and with other Indian Tribes must cease. This is something this Committee and this Congress can change. I therefore ask that the Committee increase contract support cost (CSC) funding to IHS up to \$615 million, and that it increase CSC funding to the BIA up to \$228 million.

In the 1990s our Tribe began to confront a financial crisis over the Government's recurring payment shortfalls. Here is the background to that crisis.

As you know, in order to operate the essential government programs that IHS and BIA have transferred to us, we must have an administrative structure in place. Just like any government or business, we need insurance. We need to account for our contract expenditures. We need to make payroll. We need to purchase and track property and equipment. And, we need to manage our employees. On top of all this, federal law adds unique demands requiring us to pay for independent and certified audits every year.

These are the expenditures that the Government expects us to cover from a special pool of funds called an "indirect cost pool." Money for that pool comes from all of the Tribe's contracts and grants, as well as from tribal revenues. From this pooled money we pay for all our fixed administrative costs, including insurance and audit costs. (Of course, the federal government does things differently, such as self-insuring, or else using agency lawyers and accountants, or using the General Services Administration, the Office of Personnel Management, and other agencies to carry out these same functions.)

We cannot spend whatever we choose to spend on these things. Nor would we want to. Instead, our expenditures must be reviewed and approved by an agency within the Interior Department called the National Business Center. NBC sets our indirect cost pool expenditures, and from that an indirect cost rate, all based on a certified independent audit from the most recent completed year. Then, after the New Year is over we do another audit to see how the funds were actually spent, and then square up with NBC. The system is completely transparent, and completely accountable.

We try to keep our indirect cost rate as low as possible, so that most of our funds are devoted to the direct delivery of services to our people, whether it is law enforcement, health care or Head Start. We are not a rich Tribe, so every dollar must count.

Once we have an indirect cost rate, that rate applies to all of the funding agencies with which we have contracts and grants. That is the law as spelled out by NBC and by OMB. The problem is that, contrary to that same law, every year the BIA and IHS disregard these agreements.

The law requires them to pay the full indirect costs we have negotiated with NBC. But, IHS and the BIA refuse. They do not budget for these costs. They do not ask Congress for these costs. And so Congress does not appropriate the funds to pay these costs.

But since these are fixed costs and we have to account for spending these costs, we must still pay them. The result? Deep program reductions in the essential services that we have contracted to provide to our people.

Cuts in public health nursing, and in alcohol and substance abuse treatment.

Cuts in emergency medical services.

Cuts in police and realty services.

Cuts in child education and adult scholarships.

Cuts in housing services.

The list goes on and on. Year in and year out we are forced to cut jobs that provide services to our people, so that our books remain balanced in the face of BIA and IHS underpayments.

This has got to stop.

No other government contractor gets shorted on its contracts. If necessary, supplemental appropriations are made to pay the Government's contracts in full. This Committee must therefore ask the question: Why does the Government think it is lawful to cheat us on our contracts? Is it because we are Indian Tribes, instead of Boeing or Haliburton? The question must be asked.

For my Tribe the crisis reached the boiling point in the late 1990s. We sought out legal counsel, and we filed two class action lawsuits, one against the IHS and one against the BIA. Our BIA lawsuit eventually resulted in a settlement for all the Nation's Tribes over shortfalls that occurred in the early 1990s. The settlement was part of a combined settlement with other claims in another class action against the BIA that was filed by our neighbors, the Ramah Navajo Chapter. Our IHS lawsuit was blocked by another Judge from proceeding as a class action. Then, we settled our own claims against IHS, but only for the shortfalls we suffered in the mid-1990s.

Since those cases nothing has changed.

Today, the BIA and IHS shortfalls continue. Even after a 1999 GAO report investigated and confirmed the integrity of the entire CSC process, and reported on the terrible impacts the shortfalls are creating in Indian communities, the shortfalls continue. Even after the Supreme Court ruled in the 2005 "Cherokee Nation" case that the government must pay these contracts in full, the shortfalls continue. Even after the BIA adopted a new contract support cost policy in 2006, the shortfalls continue.

Mr. Chairman, the time has come to end this shameful practice.

Our Tribe embraces tribal self-determination. We welcome being free from the oppressive dictates of the IHS and BIA. We welcome being responsible and accountable to our own people for the governmental services being provided on our Reservation.

But the IHS and BIA, by continuing these contract support cost shortfalls, penalize Tribes like us that choose this path. BIA and IHS programs remain protected from any cuts so long as the BIA and IHS operate the programs. But once the programs are transferred to a Tribe under a self-determination contract, the BIA and IHS demand that we cut jobs and divert program resources, to make up for the shortfall in the agencies' contract payments.

Current appropriations language actually says this. The law actually authorizes cuts in our program funds, in order to cover the shortfall in the BIA's contract support cost payments.

The result? Last year we again suffered deep CSC shortfalls of over \$690,000, including over \$683,000 just in BIA underpayments. In fact, the BIA does not even pay *one-half* of the total contract support costs it is required to pay under the law and our contracts. Not only is this shortfall stunning in itself, it means cuts in several jobs at a time when our community can hardly afford more unemployment. If the country is worried about double-digit unemployment, we sadly have the expertise in this category, as we have been experiencing unemployment greater than 60% for over 10 years.

The time has come to correct this terrible practice.

On behalf of the Pueblo of Zuni, I ask that this Committee make sure that, from this day forward, the Government honors its legal duty to pay the full contract support costs that are due under our contracts and under the Indian Self-Determination Act.

We are prepared to be partners with the Government in promoting greater transparency, increased local employment, enhanced tribal self-determination and a reduced federal bureaucracy. But, the Government must be an honest partner with us, just as we must annually account and cut square corners with the Government, so too the BIA and IHS must be upright in honoring these contracts.

We thus join the voice of many other tribal leaders in calling for full funding of these contracts in the FY 2012 appropriation.

Thank you for the opportunity to testify on this critical issue facing Indian country, and on what has become a grave threat to the forward march of tribal self-determination

**TESTIMONY OF THE HONORABLE FLOYD JOURDAIN JR
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS**

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2012 BIA, IHS, and EPA Budgets, April 12, 2011

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. On behalf of the people of Red Lake, who reside on our reservation in northern Minnesota, we respectfully submit that the budget appropriation process represents for us the major avenue through which the United States government fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests \$4.05 million in additional FY 2012 funding from the Department of Interior for Red Lake's programs.

Red Lake is a fairly large tribe with 10,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has our reservation been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States.

At the same time, due in part to our location far from centers of population and commerce, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 7%, ours remains at an outrageously high level of more than 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities.

We thank Congress for adding \$243 million to the BIA budget in FY 2010, which reversed some of the cuts made by the previous Administration. However, the 5.5% requested cut to the BIA's budget in FY 2012 is the largest of any Interior agency, and as my testimony will show, tribes still face extreme shortages in funding for most government service programs.

FY 2012 Interior Budget Overview

Although we appreciate your actions to provide significant funding increases to the BIA in FY 2010, we are concerned that BIA and tribes have unacceptably lagged behind the rest of Interior in terms of funding. For instance, the President's FY 2012 budget requests an increase of \$138 million for the National Park Service (NPS), an increase of \$48 million for the Fish and Wildlife Service (FWS), and a *decrease* of \$119 million for the BIA. Additionally, over the last nine fiscal years the budget for the FWS has grown by 30%; NPS by 28%; U. S. Geological Survey by 19%; Bureau of Land Management by 13%; and last and apparently least, the BIA by a demeaning 8%. We ask that you reverse this alarming trend by increasing the BIA's budget in FY 2012 by at least 20% over the FY 2010 level.

Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribal governments have suffered terrible and unprecedented erosion in federal funding for their critical core governmental services in the last decade. These services, including law enforcement, fire protection, courts, family and children's services, education, road maintenance, and resource protection affect the every day lives of people in Indian communities. At the tribal level, erosion of BIA funding for most government service programs has caused a crisis in many tribal communities.

There are several factors which have caused tribes to lose more ground than any other Interior-funded agency. These include: The crippling, nearly \$100 million cut in the TPA in FY 2012. Testimony of Hon. Floyd Jourdain Jr. on President's Budget Request for FY 2012

1996; For the last decade, with the exception of law enforcement, tribes' core service base programs were either flat-funded or further reduced; In just the last 9 years, tribes' core service base programs were subject to further reductions approximating 10% from a multitude of permanent, across-the-board and targeted rescissions to fund everything from federal deficit reduction, tax cuts for the wealthy, the war in Iraq, and even to build up the BIA's Information Technology bureaucracy; Unlike the rest of Interior, tribes receive *No* fixed costs to offset the rising cost of employee fringe benefits; and, Under the previous Administration, pay costs shrank to half of what tribes should have received, and were yet further reduced by the BIA's failure to fully report tribal pay cost needs.

As a result of the above, tribes' core service funding is far less, in real terms, than a decade Ago. Critical services continue to be eroded, seriously undermining our ability to provide minimal public safety, security, and well-being for people who already struggle to survive under some of the worst living standards in America. It may be the case that some federal agencies can absorb all of these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Let me provide an example of how real the funding crisis for basic services is at Red Lake. Below is a table showing BIA base funding versus actual expenditures for just three of our critical service programs, Community Fire Protection, Tribal Courts, and Law Enforcement.

	CY 2010 Actual	CY 2010 Actual	CY 2010 Actual
Red Lake Program	BIA Budget	Expenditures	Shortfall*
Fire Protection	\$42,500	\$436,321	(\$393,821)
Tribal Courts	\$305,669	\$602,520	(\$296,851)
Law Enforcement	\$2,369,623	\$2,854,648	(\$485,025)
Totals	\$2,359,023	\$3,754,475	(\$1,175,697)

* The actual shortfall, \$1,175,697 for just these three programs, represents nearly 20% of the Tribe's entire self governance base funding, which had to be taken from other Tribal programs, sharply reducing services provided by those programs.

The above example illustrates the damage caused by the erosion and cuts to Tribal Government funding. The only solution to this crisis is a General Increase in Tribal Government (TPA) funds, to be distributed to all tribes. The increase should be at least \$100 million over the FY 2010 enacted level. This amount will not come close to getting us to where we were a decade ago, but it will provide a good start.

Fully Fund Pay Costs and Fixed Costs in FY 2012 and Beyond

We were shocked to find that the President's FY 2011 BIA budget required tribes to absorb 100% of Pay Costs. After being forced to absorb nearly 50% of Pay Costs each year for 7 years under the previous Administration, this is unacceptable. Because of the effect of across-the-board rescissions and the failure to fully fund Pay Costs, virtually every tribal government core service program is funded at a lower level today than a decade ago. Pay Costs represent the only increase these programs receive. *When Pay Costs are not fully funded, tribal programs have no choice but to cut jobs.* From FY 2001 to the present, the Department of Interior, including BIA and tribes, have collectively lost about \$700 million from the absorption of Pay Costs and other Fixed Costs, and along with it thousands of jobs. For Indian Country, this has meant the loss of an estimated 1,200 full time jobs, with 300 of those jobs slated to be eliminated from just the FY 2011 Pay Cost absorption. We convinced the Administration to include a small amount of tribal Pay Costs (about \$7 million) in the FY 2012 BIA budget. We ask that you enact this amount. We also ask that you, as in past years, express your concerns to the Administration that Pay Costs must be fully funded in all future budget requests. Finally, the failure to fully fund Pay Costs since FY 2002 has resulted in a permanent annual loss of more than \$1.8 million for Red Lake.

Testimony of Hon. Floyd Jourdain Jr. on President's Budget Request for FY 2012

We ask for a permanent restoration of \$1.8 million in FY 2012, to partially offset the losses in Pay Costs that Red Lake has unfairly suffered.

Contract Support Costs

In FY 2012, an increase in Contract Support of \$29.5 million is requested. This increase is welcomed, as for too long, tribes have been unfairly treated by the federal government through insufficient funds to operate 638 contracts and Self Governance compacts. We urge you to support the requested increase.

BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

Law Enforcement is the second largest item in the BIA's budget. From FY 2005 – 2010, funding for BIA Law Enforcement rose by 68.4%, from \$180,063,000 to \$303,152,000. Last year we provided you with a report which documented BIA did not allocate the bulk of these increases in a fair manner – BIA operations received the most and tribes received the least. We are pleased to report that the BIA listened to us, and took steps in FY 2010 to more equitably allocate law enforcement dollars. At Red Lake, we are so desperately under funded by the BIA for our public safety programs, that each year we must take nearly 20% of our entire Self Governance base budget just to pay the previous year's public safety shortfalls. We ask that you support the President's FY 2012 requested increase, including \$5.1 million for tribal and BIA law enforcement operations, and an increase of \$10.4 million for tribal and BIA detention operations. We also ask that the \$1 million for conservation law enforcement officers be increased to \$5 million. These funds are critically needed by tribes. We further ask for a specific earmark for Red Lake in the amount of \$1.75 million for our Law Enforcement program in FY 2012, to bring us up to minimum BIA safety standards.

We appreciate the FY 2012 requested increase of \$2.5 million for Tribal Courts. However, this does not go nearly far enough. At Red Lake, we must spend three times the amount received from the BIA just to get by in a severely under staffed condition. With the recent passage of the Tribal Law and Order Act, our Court system will take on added responsibilities which will increase budget requirements. We ask that you provide an additional \$10 million above the President's request for TPA Tribal Courts in FY 2012, and include language directing the BIA to distribute the entire amount to tribes for their court programs.

Alarming, the previous Administration tried to eliminate funding for Community Fire Protection, and we appreciate your past actions to restore what little funding there is. Our Tribe is solely responsible for fighting fires on our reservation and protecting peoples' lives, *on an annual BIA-funded budget of \$42,500*. I cited previously, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask the Committee for a specific allocation to Red Lake in FY 2012 of \$500,000.

Housing Improvement Program (HIP)

In recent years, funding for the BIA's Housing Improvement Program (HIP) had remained flat at about \$19 million. The previous Administration tried to eliminate HIP, and the funding level now stands at \$12.5 million. Housing is one of the most basic needs of every American. Past funding for HIP has been terribly inadequate. The amount of HIP funding Red Lake receives is less than 10% of documented need. We ask the Committee to increase the BIA HIP budget to \$40 million in FY 2012.

Trust Natural Resources

After years of natural resources program cuts under the previous Administration, several meaningful increases were provided in FY 2010, which we thank you for. The President's FY 2012 budget includes several modest but helpful increases including \$1 million each for Rights Protection Implementation, Tribal Management/Development, Forestry, Water Management

Planning and Pre-Development, Wildlife and Parks, Wildlife and Parks Fish Hatchery Maintenance projects, as well as \$500,000 for Invasive Species. Even with these increases, the base TPA programs that fund tribes' day-to-day conservation responsibilities: Tribal Management/Development; Natural Resources TPA; Wildlife and Parks TPA; and Forestry are funded at levels less than a decade ago. We urge you to enact the requested increases and to consider increasing these core tribal base programs by at least \$5 million each in FY 2012.

We applaud the BIA and Administration for restoring the Circle of Flight program to the BIA's budget. This highly successful recurring program was unjustifiably cut by the previous Administration. Now, we can spend more time achieving conservation successes with the Circle of Flight, instead of wasting precious time and resources trying to get it restored each year. We are all proud that the Circle of Flight recently received the prestigious Department of the Interior Partners in Conservation Award from Secretary Salazar. This award recognizes the achievements of the Circle of Flight, and this program should be increased to \$1 million in FY 2012.

In FY 2012, there is a BIA request of \$200,000 for Cooperative Landscape Conservation to address Climate Change Adaptation in the Northwest. Compared to the \$131 million provided to Interior in FY 2010 and the \$175 million requested in FY 2012 for Climate Change Adaptation, the \$200,000 is miniscule. This is especially so when you consider that tribal lands make up 4% of the entire land area of the United States, and 16% of the lands managed by Interior. In FY 2012, the budget request for tribal Climate Change Adaptation should be at least \$8.5 million, and we ask that you direct Secretary Salazar to set aside this amount for tribes.

Indian Health Service (IHS)

The FY 2012 request for the IHS is \$4.6 billion in discretionary budget authority, an increase of \$571 million over FY 2010. There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for medical and general inflation, population growth, pay costs, and contract support for new and expanded programs surpass the requested increase. We ask that you provide no less than the President's requested funding level in FY 2012.

Additionally, the FY 2012 budget request includes \$461.8 million for contract support costs (CSC), an increase of \$63.3 million. For many years, CSC have been underfunded, which has resulted in reduced health care services for Indian people. The IHS recently projected that the FY 2012 CSC shortfall will be \$153 million. We ask that you increase the FY 2012 request for CSC by \$153 million, to a total of \$615 million. Otherwise, the shortfall must be made up by reducing vital health care to Indian people.

EPA Programs

Water, wetlands, and the fish and wildlife which rely on them are precious to us. Red Lake is home to the sixth largest natural, freshwater lake in the United States and it is truly a national treasure. Red Lake is larger than Lake Champlain, which as you know temporarily held the title of the "6th Great Lake" a few years ago. Two programs which are vital to our efforts to protect the environment at Red Lake are the Indian General Assistance program (GAP) and Section 106 Pollution Control grants (Section 106). We appreciate the modest increases provided in FY 2010. We ask that you provide the \$71.4 million for GAP requested by the President in FY 2012. We also ask for your support of the President's \$20 million request for the multi-media Tribal implementation program. Under Section 106, tribes like Red Lake have seen their funding decrease sharply. The reason is each year more tribes become eligible for and receive this funding, but the tribal allocation formula stays the same, thus fewer dollars go to tribes to reduce water pollution. We ask that in FY 2012, you include language that at least 15% of Section 106 funds go to tribes.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2012, and for your consideration of these needs.

Testimony of Hon. Floyd Jourdain Jr. on President's Budget Request for FY 2012



**RIVERSIDE • SAN BERNARDINO COUNTY
INDIAN HEALTH, INC.**

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**Hearing before the House Subcommittee on Interior, Environment,
and Related Agencies on the FY 2012 Budget
April 12-13, 2011**

**Testimony of Jackie Wisepirit, Chairperson
Riverside-San Bernardino County Indian Health, Inc.**

On behalf of Riverside-San Bernardino County Indian Health, Inc. of California, I write to request that the FY 2012 appropriation include \$615 million in contract support cost funding for the Indian Health Service. According to IHS, this is the amount that is legally required to fully pay the contracts that tribal organizations like us (along with hundreds of Indian Tribes) are carrying out to operate federal IHS facilities and health care programs. Without this funding, in FY 2012 Riverside will once again suffer a shortfall of \$3,094,883 in carrying out its IHS contract.

The Chairman and this Committee know well that, when IHS contracts over the operation of its facilities to tribal organizations under the Indian Self-Determination Act, the result is strengthened tribal government institutions; increased local employment and training; a reduced federal bureaucracy; and—perhaps most importantly—increased local control over the design and delivery of critical health care programs. We take distant bureaucrats from Washington, D.C. out of the picture, along with their reams of regulations and manuals, to produce true local control over health care.

Congress, the President, and every IHS Director since 1975 has recognized that no policy in American history has had a more profound effect on strengthening tribal institutions, quality of care, and local employment than has the Indian Self-Determination Policy reflected in the ISDA. This is why it is critical that Congress honor and support that Policy by appropriating the sums required by law and by our contracts for fixed contract support costs.

As the Committee knows, contract support costs are fixed costs. They are set by the agencies and they must be paid off the top, no matter what. Since these costs are fixed, the direct result of CSC underpayments is the loss of local jobs and reductions in health care and related services. The impact for Indian country is particularly severe

when you consider that Indian health care is barely one-half the amount the government spends to care for federal prisoners, and only 38% of the Nation's overall per capita health care spending.

The last thing we need to be doing is diverting the few funds we have in order to subsidize the Government's CSC underpayments. Doing that only punishes our Indian patients and dishonors the Government's trust responsibility to provide health care.

At Riverside we know that closing the CSC gap produces jobs and improves health care and outcomes among our people. In FY 2010 Riverside was allocated \$1,976,000 to partially reduce our CSC shortfall. With that, we opened 23 jobs, including 1 pharmacist, 1 pharmacy technician, 3 chemical dependency counselors, 1 nursing director, 5 registered dental assistants, 2 dental receptionists, 1 dentist, 1 case utilization review manager (for our Contract Health Care private-sector referral program), 1 optometrist, 2 opticians, 2 nurse practitioners, 1 patient escort, 1 fitness specialist to assist our diabetic patients, and 1 social worker. These are real jobs, good jobs, and permanent jobs. They are also a fraction of the jobs we lost to the contract support cost shortfall.

The time has come, after 35 years, to finally end the contract support cost shortfalls that have damaged our health care programs, punished our people, and broken the Government's contract promises. I therefore respectfully but urgently ask that you consider increasing the contract support cost line in the IHS budget to \$615 million. In making this request I wish to point out this request has the full support of the National Indian Health Board, the National Congress of American Indians and the National IHS Tribal Self-Governance Advisory Committee.

**STATEMENT SUBMITTED TO THE
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FY 2012 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS
AND THE INDIAN HEALTH SERVICE
BY PRINCIPAL CHIEF GEROGUE THURMAN, SAC AND FOX NATION OF OKLAHOMA
May 3, 2011**

On behalf of the Sac and Fox Nation of Oklahoma I am submitting the following budget priorities for the FY 2012 Budgets for the Bureau of Indian Affairs and the Indian Health Service. Thank you for considering these requests

INTRODUCTION

At the time of this written submission, current year funding for FY2011 remains under negotiation and is currently funded under a Continuing Resolution through April 8, 2011. While discussions will resume in Congress on proposals for a comprehensive plan to address a final enacted amount for FY2011, final funding levels remain uncertain. Therefore, our requests and analysis of the FY2012 President's proposed budget are compared to the FY2010 final enacted.

The President has committed to support and advance Tribal Self-Determination and Self-Governance for the Nation's 567 federally-recognized Tribes. Consistent with that commitment, the FY2012 President's proposed budget presents a renewed opportunity for the U.S. government to live up to the promises made to American Indians/Alaska Native (AI/AN) Tribal governments. Further, it provides a concrete fulfillment of the President's promise to the Tribal leadership to ensure that AI/AN governments are full and equal partners in the family of governments.

INDIAN AFFAIRS REQUESTS

Overall, the FY2012 budget request for Indian Affairs is approximately 4.5% below the 2010 enacted level. While we are concerned about several of the proposed decreases, we strongly support and urge the passage of those significant increases included in FY2012 President's proposed budget, including:

- \$25 million increase in Contract Support Costs;
- \$20 million increase for Tribal Law Enforcement activities;
- \$8.9 million increase to improve the state of Bureau of Indian Education (BIE) schools;
- \$3.9 million increase to implement new safety and security measures at ten schools and two dormitories;

Written Statement of George Thurman, Principal Chief
Sac & Fox Nation of Oklahoma

Page 2
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- \$3 million increase for Tribal Grant Support Costs; and,
- \$3 million for Tribal Management/Development.

In order to effectively carry out the transfer of federal activities to Tribes under the Indian Self-Determination and Education Assistance Act, ***we respectfully request this Subcommittee to protect and support the President's FY2012 proposed increases for Indian Affairs programs and to support the following additional program increases:***

1. TPA General Increase - Provide \$82.9 million (10% increase over FY2010) for General Increase

TPA is one of the most important funding areas for Tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6% per year. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for Tribes to exercise their powers of Self-Determination and Self-Governance. *We respectfully urge the Subcommittee to provide at least a 10% (\$82.9 Million) "general increase" over the FY 2010 enacted level for TPA in order to maintain these programs and services.*

2. Contract Support Costs - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund

Contract support costs are the key to Self-Determination for Tribes. Full funding of CSC covers the fixed overhead costs that a Tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When CSC is not fully funded, Tribes are forced to utilize limited direct program services dollars or Tribal resources to cover these shortfalls. Further, contract support costs directly funds jobs-- and those jobs directly enhance services for education, law enforcement and other essential governmental services across Indian Country. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*

3. Law Enforcement/Tribal Courts/Tribal Detention Facilities – Provide \$30 million over FY2010 levels

Effective implementation of the recently enacted Tribal Law & Order Act (TLOA) requires a commitment of resources if its intended goals are to be fully

implemented to address issues of public safety and justice in Indian Country. Increased and targeted funding will support Tribes in their implementation of TLOA. *We respectfully urge the Subcommittee to provide an increase in funds for officer recruitment and training; Tribal Courts and for Tribal detention facilities operations and maintenance.*

4. Education – Provide \$24.3 million to fully restore funding to Johnson O'Malley (JOM)

Investments in education for our Native children prepare our youth for active and equal participation in our economic systems as well as to help these students who have historically been underserved to achieve their dream of going to college and providing them with the skills to serve as future leaders. *We respectfully urge the Subcommittee to restore funding for the JOM program which provides special and unique need as determined through parent committees.*

5. Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance

IHS REQUESTS

The President's FY2012 proposed increase for the IHS represents a significant increase of \$571 million (14.1%) over the FY 2010 enacted level. This represents a positive step toward meeting the overwhelming \$22.1 billion needed to bring parity in health care for American Indians and Alaska Natives. Last year, permanent reauthorization of the Indian Health Care Improvement Act (IHCA) was included as part of the Patient Protection and Affordable Care Act (ACA). Effective implementation of the IHCA requires an investment in Indian health to ensure that Indian health care delivery system is strengthened so that American Indian/Alaska Natives (AI/ANs) and Indian health programs benefit from these reformed systems.

We respectfully urge this Subcommittee to hold Indian health program harmless and to protect and support the President's FY2012 proposed increases for IHS programs from budget roll-backs, freezes and rescission. We offer the following additional recommendations:

1. Fully Fund Current Services - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan

Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth. Maintaining current

Written Statement of George Thurman, Principal Chief
Sac & Fox Nation of Oklahoma

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May 3, 2011

services is a fundamental budget principle. *We respectfully urge the Subcommittee to provide an increase necessary to maintain the current level of care.*

2. Contract Health Services (CHS) - Provide \$118 million Increase for CHS

This increase of \$118 million is a modest increase compared to the estimated needs of \$1 billion! At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. *We respectfully urge the Subcommittee to provide to address this critical need.*

3. Contract Support Costs (CSC) - Provide \$122 million for IHS to Fully fund CSC

For FY2012, the estimated shortfall is \$153million. Investing funds here is wise. No part of the IHS budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work. Adequate CSC funding assures that Tribes have the ability to deliver the highest quality health care services to their members. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*

4. Office of Tribal Self-Governance (OTSG) - Increase \$5 million to the IHS OTSG

As of 2011, there are 334 Self-Governance (SG) Tribes managing approximately \$1.4 billion in funding. This represents 59% of all federally-recognized Tribes and 33% of the overall IHS funding. The Office of Tribal Self-Governance (OTSG) supports Tribes operating programs under the Tribal Self-Governance Amendments of 2000. The Self-Governance process serves as a model program for health care reform implementation and builds Tribal infrastructures to provide quality services to AI/AN people. *We respectfully urge the Subcommittee to provide an increase to provide for adequate implementation of this Act.*

Thank you for accepting this Statement.



L. Randy Kirkpatrick
 Executive Director
 San Juan Water Commission

March 21, 2011

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives
 B-308 Rayburn House Office Building
 Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

L. Randy Kirkpatrick

San Juan Water Commission
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Farmington, NM 87402
Phone: 505-564-8969 Fax: 505-564-3322 sjwcoffice@sjwc.org

**Testimony of Gary O'Malley
Executive Director, Sawtooth Society
In Support of the Land and Water Conservation Fund
Salmon–Selway Initiative, Idaho
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 31, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Forest Service included \$3.5 million for the Salmon–Selway Initiative in Idaho in the President's Budget. Furthermore, the Forest Service ranked this initiative as the second highest LWCF priority in the country. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

Located in central Idaho, the Salmon-Selway ecosystem, totaling almost four million acres, is one of the largest and wildest habitats in the continental United States. A rugged complex of mountains, rivers, and forests, it includes the Selway-Bitterroot and the Frank Church—River of No Return wilderness areas, five national forests, numerous rivers, and the Sawtooth National Recreation Area. The area provides unique habitats critical for fish and wildlife including threatened and endangered species such as Chinook salmon, steelhead trout, bull trout, bald eagle, lynx, and gray wolves. Each year in late summer, salmon and steelhead trout return to the high reaches of the Salmon and Clearwater rivers, traveling 900 miles and climbing 7,000 feet from the Pacific Ocean to the mountain tributaries of their birth – the highest salmon spawning grounds on earth.

The Salmon-Selway Ecosystem also offers unparalleled public recreation opportunities for hunting, fishing, hiking, cross-country skiing, whitewater rafting and kayaking, camping, and bicycling. Funding from the Land and Water Conservation Fund in FY 2012 will protect two key properties to help conserve the wild character of the region, ensure public access for recreation, and protect wildlife habitat and water quality.

Morgan Ranch, Middle Fork of the Salmon Wild & Scenic River

Over the past decade, the Forest Service has been working to protect key resources along the Salmon River and its tributaries by securing interests in critical inholdings from willing sellers. Some tracts have been conveyed into Forest Service ownership, and other properties have stayed in private ownership under conservation easements designed to maintain traditional uses while preventing incompatible development.

The Middle Fork of the Salmon WSR is among the most renowned rafting destinations in the world, enjoyed by an estimated 10,000 rafters every summer. Available for protection in Fiscal Year 2012 is Phase II of the Morgan Ranch property, a 160-acre inholding on Sulphur Creek at the confluence with the Middle Fork of the Salmon Wild and Scenic River (WSR) corridor and within the Frank Church—River of No Return Wilderness. The Morgan Ranch property is located just 2.5 miles downstream from the Boundary Creek campground, a popular launch site for rafters and trailhead for the many hikers and equestrians who use the Middle Fork Trail. Rafters from the Boundary Creek put-in, one of two main launching sites along the Middle Fork, float right past Morgan Ranch on their way to the first rapids at Sulphur Slide.

Apart from its scenic and recreational importance, Morgan Ranch is a significant resource for fish and wildlife. The valuable wetlands and riparian habitat along Prospect and Sulphur Creek drainages constitute about half the property and support a wide diversity of wildlife including gray wolf, wolverine, moose, elk, sandhill crane, bald eagle, mountain lion, and mule deer. Sulphur Creek provides significant spawning and rearing habitat for Chinook salmon, steelhead trout, and bull trout, all federally listed endangered species. The area drainages also support westslope cutthroat trout and provide critical habitat for the only remaining wild run of Chinook salmon on the Snake River system. A combination of fee and conservation easement acquisition of Morgan Ranch will ensure permanent protection of this sensitive property while eliminating the threat of incompatible backcountry development.

Rodeo Grounds Ranch, Sawtooth National Recreation Area (NRA)

The Sawtooth NRA offers some of the finest and most renowned outdoor recreation in the world including fishing, white-water sports, hiking, Nordic skiing, and backcountry camping. Its mountains form the headwaters of six important rivers that feed the Snake River and offer vital habitat for area wildlife and four threatened and endangered salmonid species. More than one thousand lakes and glacial tarns are also found inside the recreation area. With a proud ranching tradition stretching back for over a century, traditional land uses have long been interwoven with the public values here, and stewardship of these natural and recreational assets has been outstanding. To protect

the historic uses and compatible public recreation values of this remarkable landscape, the Forest Service has utilized Land and Water Conservation Fund appropriations dating back to 1972 to acquire conservation easements protecting some 17,000 acres of private land within the national recreation area.

Available for acquisition at the Sawtooth NRA in Fiscal Year 2012 is a conservation easement on the 160-acre Rodeo Grounds Ranch. Located just five miles from the historic town of Stanley, the property is a well-known and prominent component of the viewshed along Idaho Route 21 – the Ponderosa Pine Scenic Byway – that connects the Sawtooth NRA to Boise. With substantial frontage on Valley Creek, a major Salmon River tributary, the ranch provides habitat for all four fish species listed as threatened or endangered in the Sawtooth NRA: Chinook salmon, sockeye salmon, bull trout, and steelhead. The Forest Service has identified Valley Creek as one of the most important tributaries in the Upper Salmon River watershed for the recovery of the Chinook salmon, especially for rearing and spawning habitat.

The conservation easement on Rodeo Grounds Ranch will allow for continued historic use and private ownership of the property, while conserving its natural values and recreational access by anglers to Valley Creek. This access would likely be lost if the property were to be developed, converted from existing use, or fragmented into smaller holdings. Moreover, incompatible development of this key Sawtooth gateway property would irreparably compromise a scenic landscape that draws hundreds of thousands of visitors each year. The easement will protect the historic ranch structures and the scenic landscape of the valley.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Idaho, and I appreciate your consideration of this funding request.

The Sawtooth Society, formed in 1997, is a nonprofit and nonpartisan organization dedicated exclusively to: serving as an advocate for the SNRA; preserving open space in the SNRA; and enhancing recreation facilities and services in the SNRA.

Contact Information:

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**Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
on the Fiscal Year 2012 Budget**

Testimony of Roald Helgesen, President & CEO
SouthEast Alaska Regional Health Consortium

April 12-13, 2011

I write as President of the SouthEast Alaska Regional Health Consortium (SEARHC) to urge that the Committee increase the IHS requested appropriation for contract support cost payments up to \$615 million. This will permit IHS to finally pay in full all of its contract obligations to SEARHC and the hundreds of other Tribes and tribal organizations that operate IHS facilities across the United States.

SEARHC is an inter-tribal consortium of 18 federally-recognized Tribes situated throughout the Southeast panhandle of Alaska. Our considerable service area encompasses over 35,000 square miles, an area larger than the State of Maine. With no road system connecting our communities, the challenges to deliver health care are considerable.

We meet this challenge through a network of community clinics and the Mt. Edgecombe Hospital. Our array of healthcare services includes medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry and respiratory therapy services. In addition, we provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services and traditional Native healing.

We administer over \$42 million in IHS facilities and related programs and services. These are federal services which we operate on behalf of the Federal Government through a self-governance compact and associated funding agreement.

To carry out the Government's healthcare programs under this contract requires us to incur certain fixed costs, including a number of costs mandated by the Federal Government. These costs include substantial annual audit costs, insurance costs and an array of administrative costs to operate our personnel and financial management systems.

Virtually none of these contract support costs are covered in the direct service budget which IHS contracts to pay under our funding agreement. This is because IHS either does not incur these costs at all (in the case of audit expenses and insurance costs), or because IHS receives resources to carry-out these functions from other portions of the IHS budget, other

divisions of the Department of Health and Human Services, or even other departments of the Federal Government. Still, these are mandatory fixed costs which SEARHC must incur year in and year out, and for SEARHC these costs are set every year by the Department's Division of Cost Allocation.

Decades ago SEARHC was required to accept a contract that did not provide for the payment of these contract support costs. Over the years, however, Congress amended the Indian Self-Determination Act to require that our full requirement for contract support costs be added "in full" to the negotiated budget for our direct services. Thus today, both the law and our compact and funding agreement require that contract support costs be added in full.

But this has not happened. IHS will not pay the full amount owed under our contract. In fact, we never know how much IHS is going to choose to pay us until our contract has already been fully performed. We really have no choice in the matter—our people depend upon us to provide health care on a continuing basis.

No federal agency should be able to simply declare unilaterally that it is not going to pay the full amount of a contract, and not tell the contractor how much it will actually be paid until the contract year is almost over. Yet that is what has been happening to SEARHC.

In the last completed fiscal year (2010) SEARHC was underpaid approximately \$2,751,000 in fixed contract support costs. SEARHC has no tax base, and thus no way to make up for the difference other than to take resources that would otherwise support the delivery of services. Again, this is because contract support costs are fixed and must be paid off the top. The result is a severe impact on our ability to fully discharge our contract and provide maximum care to our beneficiaries.

Worst yet, the Government's conduct is simply wrong. So far as SEARHC has been able to determine, in no other area of government contracting does an agency decide at the end of a year how much it is going to pay a contractor after it has already received the benefit of the bargain. The Government would not treat other government contractors this way, and there is no reason for the Government's treatment of tribal contractors, particularly given the mandatory language in the Indian Self-Determination Act, which controls the award of our contract documents.

SEARHC is a member of the National Tribal Contract Support Cost Coalition, and we fully endorse the NTCSCC's testimony. We call for full funding of contract support costs in FY 2012. It has been almost seven years to the day since the Supreme Court required that the Government honor its self-determination contracts and self-governance agreements with tribal healthcare providers; at long last we hope that Congress will work with the Administration to provide the funds necessary to meet that statutory and contractual commitment in full.

**Testimony of Jay Erskine Leutze,
Trustee For Southern Appalachian Highlands Conservancy
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives**

April 1, 2011

This testimony is submitted on behalf of Southern Appalachian Highlands Conservancy, the LWCF Coalition, and the following partner groups working together to promote full funding for the Land and Water Conservation Fund, federal and stateside, and Forest Legacy Programs, and, specifically, funding for four U.S. Forest Service acquisition projects with a total cost of \$7.2 million:

**Appalachian Trail Conservancy * The Conservation Fund
Carolina Mountain Land Conservancy * Trust for Public Land
Conservation Trust for North Carolina**

Chairman Simpson, Ranking Member Moran, and other members of the Subcommittee,

Thank you for the opportunity to submit this testimony. The groups I represent are delighted by increases for the Land and Water Conservation Fund (LWCF) proposed in the Fiscal Year 2012 Administration budget. A fully funded LWCF has been a goal of generations of conservationists who have sought to see the promise of this fund fulfilled. We also appreciate House passage of a bill in the 111th Congress that would have fully funded the LWCF.

The LWCF Coalition is made up of more than 50 groups including land trusts, trails and outdoor recreation organizations, fish and wildlife groups, state parks agencies and foundations, as well as other national conservation organizations working to achieve full funding for the LWCF and the Forest Legacy Program. We urge the Subcommittee to join the administration in supporting full funding in the Interior appropriations bill for these two important programs. .

We thank the Subcommittee for its leadership and continued support of these essential programs. Despite the best efforts of this Subcommittee and other Congressional leaders, the LWCF has suffered dramatic funding cuts in the past decade. Over the program's forty-four year history it been fully funded at the congressionally authorized level of \$900 million annually only once. Today we face an extensive and growing backlog of land acquisition needs in our national parks, national wildlife refuges, and national forests. America's irreplaceable wildlands, woodlands, farmlands, fish and wildlife habitats, scenic areas, historic sites, trails and neighborhood parks are being developed, fragmented, and otherwise sacrificed because there is simply not enough LWCF money to go around.

In FY 2012, the U.S. Forest Service included \$3.576 million for acquisition of four tracts of land totaling 956 acres in North Carolina's national forests. This Threatened Treasures package represents an outstanding opportunity to invest in resources that will help protect our great natural heritage, ensure the viability of our outdoor recreation economy and deliver outstanding ecosystem services. My partner organizations and I urge Congress to provide the full \$900 million in the President's budget so that this package of projects can receive funding.

Pisgah National Forest – Mills River Inholding

This 84 acre inholding parcel includes river frontage on an eligible Wild and Scenic River. It includes nationally recognized high quality trout habitat, is directly adjacent to a popular Forest Service campground and provides key trail access.

Pisgah National Forest – Backbone Ridge

These 225 acres provide protection for spectacular scenic views from the Blue Ridge Parkway, high rock bluffs, numerous waterfalls, and significant old-growth forest providing headwater protection. Acquisition will provide broad expansion of existing trail networks used by the public.

Pisgah National Forest - Mulberry Creek

This 519 acre tract contains significant riparian habitat and over eight miles of pristine streams. Specifically, the property features the headwaters of Wilson Creek, a federally designated Wild and Scenic River, and the Johns River, both of which flow into the Catawba River, which serves as the primary water supply for major cities in North Carolina including Charlotte and Raleigh. The property also includes several acres of rare hardwood forest.

Pisgah National Forest - Roan Highlands National Trails

This 136 acre property includes high-elevation northern hardwood forest hosting delicate headwater seeps and boulder fields, managed early-successional habitat, nesting sites for Golden-winged Warblers, waterfalls and popular trout streams currently enjoyed by the public. Acquisition will protect the Appalachian National Scenic Trail and the Overmountain Victory National Historic Trail near their intersection.

On behalf of all the conservation organizations represented in the Threatened Treasures package I thank the Subcommittee for your continuing leadership on federal and stateside land conservation. The LWCF Coalition and the regional land trusts stand ready to work with you to secure full and consistent funding for the LWCF. Thank you.

This testimony is submitted by Jay Erskine Leutze, Trustee for Southern Appalachian Highlands Conservancy (jayerskine@hotmail.com).



SOUTHERN UTE INDIAN TRIBE

OFFICE OF THE CHAIRMAN

March 24, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Re: Written Testimony for the Record: U.S. Fish and Wildlife Service 2012 Appropriations

Dear Chairman Simpson and Representative Moran:

On behalf of the Southern Ute Indian Tribe, I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. The Tribe requests that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the FWS for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS' Region 2 in managing the San Juan Program's diverse recovery activities.

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
March 24, 2011
Page Two

The Tribe requests the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. The Tribe appreciates the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/s/ Jim R. Newton
Acting Chairman

THE SOUTHWESTERN WATER CONSERVATION DISTRICT
Developing And Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN SOUTHWESTERN COLORADO
West Building - 841 East Second Avenue
DURANGO, COLORADO 81301
(970) 247-1302 - Fax (970) 259-8423

President: John Porter Executive Director: Bruce Whitehead

March 14, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

We are requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
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3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

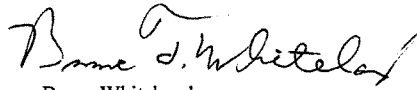
The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

We request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two critically important recovery programs. We appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,



John Porter
President



Bruce Whitehead
Executive Director

Phone: 970 247-1302
Fax: 970 259-8423
Email: brucew@southwesternwater.org

April 1, 2011

House Subcommittee on Interior, Environment, and Related Agencies
Washington, D.C.

Mr. Chairman and Members of the Subcommittee:

On behalf of the St. Marks Refuge Association, Inc. (SMRA) and our 300 members, we would like to thank the subcommittee for allowing our testimony in support of the National Wildlife Refuge System. The mission of our all volunteer group is to promote better understanding, appreciation, and conservation of the natural history and natural environment of the St. Marks National Wildlife Refuge.

The SMRA would also like to thank the subcommittee members for their past commitment to improve the U.S. Fish and Wildlife Service's (Service) charge of conserving, protecting and enhancing habitat for fish, wildlife, and plants. The small increases in the past have enabled the men and women who work for the National Wildlife Refuge System to continue managing some 150 million acres of public land for all Americans and visitors from other lands to enjoy.

We realize that we all must tighten our belts but we are asking that the committee approve these requests to help the Service maintain its current operational capacity.

- Allocate \$511 million in FY 2012 for the National Wildlife Refuge System. This is an \$8 million increase over FY10 levels. Since the Refuge System needs \$900 million annually to adequately manage its 150 million acres, a funding allocation of \$511 million in FY 12 will simply maintain the status quo.

At this time maintaining status quo is paramount to the St. Marks National Wildlife Refuge. Further funding reductions coupled with increases in fuel and utility expenses would seriously impede the Service's ability to provide visitors with safe trails and any education or recreation programs. Lack of staffing will allow invasive species to further degrade habitat, impede the protection of threatened and endangered species such as the red-cockaded woodpecker and the whooping crane, curtail citizen science programs, and reduce the diversity of species using the refuges. The diversity of the wildlife draws visitors and dollars to the local area and the economic benefits of these refuges will diminish.

- Retain the Refuge System's ability to leverage federal conservation efforts through partnerships. Two grant programs that need support are:
 1. State Wildlife Grants that allow the Service to work with states to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to \$95 million for FY12 is essential to fulfilling the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered.
 2. The North American Wetlands Conservation Act grants provide for acquiring and restoring critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of \$50 million in FY12 will deliver multiple benefits including habitat restoration, improved water quality, and carbon sequestration.

- Please fully fund the Land and Water Conservation Fund (LWCF) at \$900 million. Created in 1965 and authorized at \$900 million per year (*more than \$3 billion today*), the LWCF is our most important land acquisition tool. These funds are generated through revenues from offshore oil and gas drilling that is deposited in the Treasury specifically for LWCF purposes. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. The Land and Water Conservation Fund Coalition reports that every dollar invested in LWCF returns \$4 in economic value. We fervently urge Congress to pass legislation to permanently fund the LWCF.

We respectfully ask the Subcommittee to approve these appropriations. The SMRA believes that St. Marks National Wildlife Refuge and the entire National Wildlife Refuge System are vital to the wellbeing of our Nation. How diminished our lives would be without the sounds of wildlife and the opportunity to view them in their habitat. Additionally, the National Wildlife Refuge System conserves natural ecosystems that provide support to local economies. Many of these communities are rural and depend on the money derived from visitors to the refuge. The Refuge System upholds the American value of public lands. As Hugh Hammond Bennett, the first NRCS Chief, stated, "If we take care of the land, it will take care of us."

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully reiterate our request that the Interior Appropriations Subcommittee allocate \$511 million for the Refuge System's FY12 Operations & Maintenance budget, \$95 million for State Wildlife Grants, \$50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the annual authorized level of \$900 million.

We hope you will support all refuges across this great country by maintaining funding for the National Wildlife Refuge System.

Sincerely,

Gail Fishman
President
St. Marks Refuge Association, Inc.
PO Box 368
St. Marks, Florida 32355

**State and Tribal Wildlife Grants Testimony to the House Interior Appropriations Committee
Submitted by Hal McKnight**

The State and Tribal Wildlife Grants program is our nation's core program for preventing future endangered species. I applaud the Senate and House Leadership for their foresight when they created the State and Tribal Wildlife Grants program in 2000. They recognized that it is much more cost-effective to strategically invest a relatively small amount of money in the conservation of specific, declining wildlife species today than it will be to allow those species to decline further and be faced with conserving them later as endangered species. The State and Tribal Wildlife Grants program is very much like preventative medicine in that it seeks to address issues early rather than treat symptoms later.

The State and Tribal Wildlife Grants program provides cost-share funding to state wildlife agencies and Native American tribes to provide the resources that they need to develop partnerships and to engage in proactive and voluntary conservation efforts on behalf of species that are at risk of becoming endangered. This reduces the number of threatened and endangered species which ultimately reduces the financial costs to the federal government for restoring these species and the costs to industry and private landowners for working around these species. I am pleased to say that since State and Tribal Wildlife Grants funding has become available, NO new species have been added to the list of threatened or endangered species here in Oklahoma.

The State and Tribal Wildlife Grants program is cost-effective from several perspectives:

- 1) State and Tribal Wildlife Grants funding is focused on key species and habitats - those species that are rare or declining and therefore the greatest conservation concerns. In my state, these species were identified through a public process in 2004 with the input of nearly 200 biologist, land managers and technical experts. These species are identified in a conservation plan developed by the Oklahoma Department of Wildlife Conservation and this plan guides the funding decisions for how State Wildlife Grants funding is used in Oklahoma. I know that comparable processes took place to develop similar conservation plans in all of the 50 states to ensure that State and Tribal Wildlife Grants funding is spent in the most effective way throughout the country. Because of these multi-state efforts, the status of a species can be improved over a large geographic area.
- 2) State and Tribal Wildlife Grants direct funding to the more local state level to address conservation issues of national concern. State agencies are often more responsive to the concerns of their local constituents than federal agencies and have a network of staff across the state that work with private landowners, counties and municipalities. By addressing the conservation needs of wildlife before they become endangered, it is easier to implement conservation efforts in a non-regulatory manner that is more acceptable to private landowners.
- 3) The State and Tribal Wildlife Grants program is a cost-share program, therefore each federal dollar is leveraged by state and private dollars. This requirement for cost-share funding encourages the development of state agency partnerships with landowners, conservation organizations and other natural resource agencies.

4) There is a value-added dimension to State and Tribal Wildlife Grants in that the conservation of wildlife and the habitats on which they depend also helps to maintain the quality of our drinking water supplies and the natural outdoors that people enjoy. Additionally, the program directly benefits the outdoor recreation industry that supports millions of jobs in the U.S. and contributes well over \$100 billion to our economy.

In my experience, the State and Tribal Wildlife Grants program has widespread public support. In my home state, over 150 outdoor businesses and conservation organizations have endorsed the program because they understand the value of conserving uncommon and declining wildlife before their populations reach a point that they become endangered. Nationally, the State and Tribal Wildlife Grants program is supported by over 6,200 organizations and businesses and I've been told that this is the largest and most diverse conservation coalition ever assembled. Throughout its ten-year history, the program has received strong bipartisan support in Congress as well as the support of most mainstream conservation organizations at both the national and local levels such as The Nature Conservancy, National Wild Turkey Federation, National Audubon Society, the Wildlife Management Institute, the Congressional Sportsmen's Foundation, the American Fisheries Society and the Theodore Roosevelt Conservation Partnership.

Throughout the ten year history of this program I am confident that the ODWC has been a very good steward of these federal funds. Before I prepared this, I asked the biologists at the Oklahoma Department of Wildlife Conservation about some of their success stories that were made possible by the State and Tribal Wildlife Grants program. They told me that grant funding has been used to support multi-state surveys and monitoring programs for the Swift Fox, Mountain Plover and Black-tailed Prairie Dog which had been under consideration for threatened or endangered species listing. These surveys demonstrated that each species had a population that was larger or more widespread than originally thought and that their populations appear to be stable at this time. As a result of this information, the U.S. Fish and Wildlife Service was able to remove all three species from consideration for listing under the Endangered Species Act.

State and Tribal Wildlife Grants also are being used to support direct conservation efforts to improve the status of species that are currently considered to be candidates for possible listing as threatened or endangered species. The wildlife department is conserving stream and riparian habitat in Harper and Woods counties to protect and enhance populations of the rare Arkansas Darter. This work also benefits more than 60 other wildlife species including two bird species of high concern - the Bell's Vireo and the Snowy Plover. Two Native American tribes are using tribal grants to propagate and restore populations of the rare Neosho Mucket mussel in the rivers of northeastern Oklahoma. Grant funding has supported surveys which have located new populations of two rare freshwater mussels - the Rabbitsfoot and the Neosho Mucket. A multi-state conservation partnership with Kansas and Texas is conserving and enhancing mixed-grass prairie and shrubland habitats in northwestern Oklahoma to improve the status of the Lesser Prairie Chicken. The conservation of these habitats also benefit more than 80 species including Texas Horned Lizards, Cassin's Sparrows and Northern Bobwhite. Oak woodland and shortleaf pine woodland restoration projects in the Ozarks and Ouachita Mountains are benefiting diverse communities of wildlife. This work targets declining species such as the Bachman's Sparrow, Prairie Warbler, Northern Bobwhite and Blue-winged Warbler, but also benefits American Elk and Wild Turkey.

The program additionally supports several habitat-focused surveys that simultaneously collect information for multiple species. I believe that this enhances the program's cost effectiveness because

through a single surveying effort in bottomland forests in eastern Oklahoma, they have found previously unknown populations of the rare Swainson's Warbler, Prothonotary Warbler, Hooded Warbler and Louisiana Waterthrush. Likewise, surveys in limestone caves in the Ozark Plateau have located new populations and improved our understanding of the status of cave-dependent bats, salamanders and crustaceans. Each of these new populations demonstrates a larger overall population for each species and identifies additional opportunities to enhance populations to prevent the need for new endangered species listings.

I appreciate the opportunity to provide my thoughts about the State and Tribal Wildlife Grants program. I hope that it is beneficial to you as you evaluate the merits of all the programs funded through the Department of Interior. I hope that you will move to continue to financially support this very important conservation program. If I can be of further assistance please don't hesitate to get in touch with me. I can be reached by phone at (405) 627-1840 or by e-mail at hgmcknight@gmail.com.

Sincerely,

Hal McKnight

Elizabeth A. Madden
Founder
Steer Clear of Wildlife

March 27, 2011

House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

RE: Appropriations for Wildlife Services in National Parks in Department of Interior Budget for 2012

Gentlemen:

Cutting all kinds of federal funding for unnecessary projects is imperative in the current fiscal climate.

In the past several years the National Park Service (NPS) has been awarded millions of dollars to expand culling of deer and elk. According to NPS these animals must be eliminated because NPS wants to grow native vegetation.

Visitors to one of those parks, Valley Forge National Historical Park, see a forest lush with trees and plants. Only a handful of visitors know the difference between native and non-native vegetation. Besides, most visitors come to see the site because it was a revolutionary encampment, not a scenic wonder. Many come to see the partially 'domesticated' deer which according to the Park's own studies are regulating their population by themselves.

Aside from the ethically questionable practice of promoting one species, plants, over another, wildlife, the Park Service has approved a Plan which endangers people. The mission of our organization, Steer Clear of Wildlife, is to make roads safe to cross for people and animals. We've learned, as has Pennsylvania's Department of Transportation, that shooting anything at deer causes deer vehicle collisions (DVCs). Deer try to escape from sharpshooters and hunters. In their panic to get away, they run onto roads as they flee and cause DVCs. Statistically most DVCs occur during hunting season.

In addition to causing dangerous conditions for motorists, these culls waste money. Funding for these culling operations is provided under the heading of Wildlife Services, a euphemism at best. This money should be used instead for programs to create jobs and feed hungry children here at home.

For all of these reasons and more, we request that the Subcommittee eliminate funding for all Wildlife Services in the Department of the Interior's budget.

Respectfully,
Elizabeth A. Madden

**Testimony of
In Support of the Land and Water Conservation Fund
St. Vincent National Wildlife Refuge, Florida
U.S. Fish and Wildlife Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I, Landy Luther, am the current president of the Supporters of St. Vincent NWR. Our organization was established to promote better understanding, appreciation, and conservation of the natural history and environment of St. Vincent NWR. Our goals are: Increase the public awareness of the Refuge, provide financial support to the Refuge, and to support Refuge projects. We feel that our mission and goals are consistent with the acquisition of the property that is the subject of this testimony.

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Fish and Wildlife Service included \$1.35 million for the acquisition of land in St. Vincent National Wildlife Refuge in Florida in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

St. Vincent National Wildlife Refuge (NWR) encompasses a 12,500-acre undeveloped barrier island lying opposite the mouth of the Apalachicola River in the Gulf of Mexico. Located just off the Florida panhandle in western Franklin and Gulf counties, the island is four miles across at its widest point and nine miles long. This triangular island is larger and wider than most of the northern Gulf Coast barrier islands. Prior to becoming a refuge, St. Vincent was used primarily as a private hunting and

fishing preserve. Established in 1968, the refuge was originally intended as a sanctuary for waterfowl, the majority of which are resident wood ducks and migrating blue-winged teal. Since then, however, the refuge mission has been broadened to include the protection of habitat for endangered species and to provide a variety of recreational activities.

St. Vincent NWR provides a sanctuary for a number of threatened, endangered, and recovering species. Loggerhead sea turtles come ashore to nest on the island's pristine beaches. Indigo snakes inhabit gopher tortoise burrows in the dunes. Wood stork and peregrine falcons stop on the island during their seasonal migrations, and bald eagles nest in the pines near the island's freshwater lakes and marshes. In 1990, St. Vincent became one of several Southeastern coastal islands where endangered red wolves are being bred. Once weaned, the wild pups raised here are taken to reintroduction sites such as Alligator River NWR in North Carolina. These solitary animals once roamed the Southeast, but predator control programs and habitat loss have decimated their populations.

St. Vincent serves as an important stop-off point in the Gulf of Mexico region for neo tropical migratory bird species. Seaside sparrows nest in huge numbers and various other neotropical birds stop for food and shelter during spring and fall migrations. Over 260 bird species have been logged on the refuge and Christmas bird counts by the Audubon Society typically include over 100 species. Wildlife is attracted to the island's diversity of habitat types. Ten separate habitat types ranging from tidal marsh to scrub oak and pure stands of cabbage palm have been identified on the island. Plants on the island include 15 species that are listed as threatened by the State of Florida.

Currently, the refuge staff travels to and from the undeveloped and uninhabited island using a boat that is docked on a mainland marina at Indian Pass. The dockage rights are subject to a month-to-month lease from a private landowner who has recently indicated an intent to sell and/or develop the property. Faced with the loss of this facility, the refuge staff must find another location to dock the boat, as it is critical for the management of the refuge to secure appropriate access to the island.

Available for acquisition in FY 2012 is the 3.21-acres Schoelles tract. Located close to the refuge's administrative offices in the City of Apalachicola, the site includes a boat ramp and marina to accommodate the refuge boat. Properties available for purchase with preexisting facilities are rare in this area. It is very difficult to obtain permitting for new marinas and ramps in Florida, making this property prime for development if it is not obtained by the refuge. Not only will the property's existing wet-slip marina and boat ramp provide immediate access for the refuge staff's motorized boat, it will also allow future recreational access to non-motorized boats such as canoes and kayaks.

Conserving this property will prevent its development into a coastal residential subdivision. Limiting coastal development is critical to reducing the costs associated with storm and hurricane damage as well as to protecting the quality of adjacent waters. Bounded to the north by Highway 30A and to the south by St. Vincent Sound, the

inclusion of the parcel within refuge boundaries would provide a small buffer zone along the sound, designated a Class II Florida Outstanding Waterway. St. Vincent Sound supports endangered species communities, important recreational and commercial fisheries, and sea grass beds that provide significant waterfowl habitat. The ecological significance of these waters is underscored by the fact that they are protected as part of the Apalachicola National Estuarine Reserve.

A \$1.35 million allocation from the Land and Water Conservation Fund in FY 2012 – as recommended by the President’s Budget – will maintain necessary access to St. Vincent Island for USFWS staff; improve access to St. Vincent Sound for fishermen, oystermen, and recreational boaters; and protect additional natural resources along the mainland shore.

The Land and Water Conservation Fund is our nation’s premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Florida, and I appreciate your consideration of this funding request.

Very truly yours,

Landy Luther

**Written Public Testimony of Don Winsett, Chair
Sustainable Urban Forests Coalition**

**Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

March 28, 2011

The Sustainable Urban Forests Coalition (SUFC) represents city mayors, community nonprofits, national associations, nursery and landscape professionals, urban planners, city managers, public works professionals, arborists, utility professionals, foresters, scientists, and others nationwide. Working together since 2004, these diverse professionals monitor, care and advocate for urban trees and green infrastructure. Collectively, we are asking for your support for a \$32.4 million appropriation for the USDA Forest Service's *Urban and Community Forestry* (U&CF) program for FY 2012.

Urban forests are vital to creating and maintaining healthy, livable communities of all sizes. Trees in urban areas are a key component of sustainable green infrastructure and provide quantifiable ecosystem benefits to the 80% of Americans who live in urban areas. Urban forests enhance air and water quality, reduce energy use, enhance property values, and provide an array of health and wellness benefits to people. Creating and maintaining a healthy tree canopy also creates a substantial demand for green-collar jobs in a sector poised for rapid growth.

Since its expansion under the Cooperative Forestry Assistance Act of 1990, the Urban and Community Forestry (U&CF) program has been a catalyst and important technical advisor to promoting healthy forests in our communities. Delivered in close partnership with State Forestry Agencies, the U&CF program assists cities, suburbs, and towns to maximize tree canopy and resulting environmental services. In addition, the U&CF program provides critical assistance to help communities manage risk, respond to storms and disturbance, and contain threats from invasive pests.

In 2010 the U&CF program delivered technical, financial, educational, and research assistance to 7,102 communities in all 50 states, the District of Columbia, U.S. territories and affiliated Pacific Island nations. The program leveraged an additional \$40 million in state and local support and provided 1,250 small grants to local communities.

Urban and community forests make a significant contribution to the quality of life in communities across the country, and the Forest Service brings an impressive array of tools, resources, and expertise to promote urban and community forests.

By absorbing large amounts of harmful pollutants, shading buildings and cooling the air, trees play an important role in air quality and energy efficiency. ***SUFC supports the \$2 million funding request in the President's FY12 Budget for U&CF for energy programs.***

The SUFC also ***supports investing \$18 million for urban natural resources research through Forest Service Research and Development.*** This request is consistent with the recommendations of the National Urban and Community Forestry Advisory Council to increase the Forest Service's investment to \$24 million for urban natural resources research by the year 2015. This

program pioneered research on the effects of urban trees on air quality and quantified the effects of trees on temperature reduction, removal of air pollutants, reduced energy consumption, and the role of urban trees in reducing green house gas emissions.

Urban forests are integral to any community striving to reinvest in itself, encourage active, healthy citizens, and create a healthier and more sustainable environment with smart green infrastructure. *While SUFC is seeking to expand funds for urban forestry and green infrastructure up to \$100 million, we understand the current economic conditions of the country and requests \$32.4 million be allocated in FY12 to the Urban and Community Forestry program, consistent with the President's request.*

Organizations endorsing this written testimony include:

Alliance for Community Trees
 American Forests
 American Planning Association
 American Public Works Association
 American Rivers
 American Society of Consulting Arborists
 American Society of Landscape Architects
 American Nursery and Landscape Association
 Arbor Day Foundation
 International Society of Arboriculture
 Keep America Beautiful
 National Association of Conservation Districts
 National Association of State Foresters
 Society of Municipal Arborists
 Tree Care Industry Association, Inc.
 Utility Arborist Association
 National Recreation and Parks Association
 Davey

**Testimony of Andrew Chavez
Taos County Board of Commissioners
In Support of the Land and Water Conservation Fund
In New Mexico
Carson National Forest, U.S. Forest Service
Rio Grande National Wild and Scenic River, Bureau of Land Management
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the administration has included funds in the President's Budget request for two projects in Taos County. The U.S. Forest Service designated \$3.442 million for the Miranda Canyon property in the Carson National Forest and the Bureau of Land Management proposed \$1 million for the acquisition of the Martinez property along the Rio Grande National Wild and Scenic River (WSR). I am pleased that this funding was included in the overall request and urge Congress to provide the full President's Budget amount for LWCF so that these important projects can receive this needed funding.

The public lands in Taos County provide significant benefits to residents. The protected landscapes attract visitors from around the country who seek great open spaces, rushing river canyons, and abundant wildlife. This economic activity sustains our county, provides jobs, and makes Taos County a unique place to live, work, and visit. These lands also ensure water supply and quality. Development within forestlands burdens watersheds, fragments wildlife habitat, and places a strain on fire management. The landscapes also keep our western heritage in place and in view for all to see.

Carson National Forest – Miranda Canyon

The 4,990-acre Miranda Canyon property is located ten miles south of Taos on the spurs of Picuris Peak, a 10,801-foot mountain. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife. The landscape has numerous ridges and peaks that provide breathtaking views of the Rio Grande Gorge to the west and of Wheeler Peak, the highest peak in New Mexico, to the north.

The Miranda Canyon property holds significant recreational, economic, and historic value in the region. The property is crossed by popular hiking trails – one of which reaches the summit of Picuris Peak. These trails provide access to the adjacent Carson National Forest and increase opportunities for camping, hunting, and horseback riding. The property also contains historical features such as the Old Spanish Trail, a pack mule trail that served as a link between land-locked New Mexico and coastal California between 1829 and 1848, after which other routes became more popular. Recognizing the national significance of this historic trade route, Congress designated it the Old Spanish National Historic Trail in 2002. Increased recreational access to the forest and surrounding lands has a great positive impact on the local economy.

With the property on the forested slopes of Picuris Peak, it is highly visible below in the valley. The property's development would have serious consequences for the scenic and water resources of our county. The subdivision of the nearly 5,000-acre tract would have marred the prominent landscape and threatened the area's watersheds and water supplies.

The landowner is fortunately working to conserve the tract through Forest Service ownership, which has tremendous support from the community and residents of Taos County. The \$3.442 million included in the President's Budget will start the multi-phase acquisition of the tract.

Rio Grande National Wild and Scenic River – Martinez

The 61-acre Martinez property is located fifteen miles northwest of Taos on the eastern rim of the Rio Grande Gorge. It is also just 1.5 miles north of the Rio Grande Gorge Bridge. The span, which carries the U.S. Route 64 roadway 650 feet above the river, is the fifth highest bridge in the nation and is listed on the National Register of Historic Places.

This acquisition would continue the Bureau of Land Management's efforts to protect land along the Rio Grande; to date over 19,000 acres have been protected. This conservation initiative has protected the gorge, expanded recreational access to the river and a network of trails along the gorge rim, and conserved habitat for bald eagles, peregrine falcons, and other birds.

The Rio Grande is one of the greatest natural resources in New Mexico. Every year 300,000 visitors come to the Rio Grande WSR. Thousands of people stop and admire the Rio Grande Gorge Bridge on their way to and from Taos on U.S. 64. Public lands, including the wild and scenic river, national forests, and BLM lands, provide

opportunities for hiking, camping, hunting, fishing, horseback riding, wildlife watching, and photography. Whitewater rafting is particularly popular: Class III and IV rapids challenge rafters in the 17-mile Taos Box and 5-mile Racecourse sections of the river.

Secondly the river is essential to water supplies in New Mexico. About 1.3 million people, or nearly 70% of the state's population, live in the ten counties along the river. The Rio Grande provides vital drinking water to these residents and irrigation water for agricultural purposes.

Like Miranda Canyon, the Martinez tract is prominently located and visible to many. Development of the tract would damage the landscape and hinder recreational access in the river corridor. On July 6, 2010, the Taos County Commission unanimously passed a resolution in support of this acquisition.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. In New Mexico, LWCF definitely protects our local economy and water resources, our heritage, and our fantastic landscapes.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Mexico, and I appreciate your consideration of this funding request.

**Testimony of
Jane Ratzlaff, Executive Director
The Glacier National Park Fund
In Support of the Land and Water Conservation Fund
Glacier National Park, Montana
National Park Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the National Park Service included \$1.223 million for the acquisition of land in Glacier National Park in Montana in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

In 2010, Glacier National Park celebrated the 100th anniversary of its creation by Congress and President Taft on May 11, 1910. That law declared that the national park in Montana should be "dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States." Since 1932, Glacier, along with its northern neighbor—Waterton Lakes National Park—has symbolized the long-lasting friendship between the American and Canadian peoples as an international peace park.

Two years before the park's creation, George Bird Grinnell, a co-founder of the Audubon Society and the Boone and Crockett Club, appropriately called the area the "Crown of the Continent." Indeed, Triple Divide Peak in the park is the meeting point

between three of the main drainages of the North American continent (Hudson Bay, Pacific Ocean, and the Gulf of Mexico). The Crown of the Continent is also the meeting point for diverse wildlife at the intersection of mountains, plains, forests, and rivers. The park protects habitat for over 270 species of birds, 70 species of mammals, and 25 species of native fish.

Today Glacier receives nearly two million visitors annually. The park provides over 750 miles of hiking trails (often in backcountry glacial valleys and forests), camping, horseback riding, and boating on the its many lakes. Visitors can also choose to spend the night at one of several historic park-owned lodges, which were built at the beginning of the twentieth century at the foot of rugged snow-capped mountains or on the shore of a cold glacial lake. Most visitors ascend to Logan Pass in the center of the park via the spectacular 50-mile-long Going to the Sun Road. Completed in the 1930s, this engineering marvel clings to mountainsides surrounded by majestic alpine scenery.

The Glacier National Park Fund was created in 1999 as the non-profit partner of Glacier National Park. Our mission is to support the preservation of the outstanding natural beauty and cultural heritage of Glacier National Park for the use and enjoyment of present and future generations by fostering public awareness and encouraging private philanthropy. We have allocated over \$3 million in direct grants to the park along with another \$1.5 million in outreach and public awareness activities. We are dedicated to partnering with the National Park Service to ensure that future generations can enjoy Glacier the same way we have through our lifetimes. Thus, we are very excited about this opportunity to acquire an inholding that will provide additional opportunities to experience Glacier and wholeheartedly support and applaud the efforts to make this invaluable and historic piece of land a part of Glacier National Park.

Available for acquisition in FY 2012 is the 120-acre Harrison Creek inholding. The tract is located at the south end of the park along the Middle Fork of the Flathead River—the legislated boundary of the park. Congress declared the Middle Fork a national wild and scenic river in 1976 from its headwaters to the confluence with the South Fork. U.S. Route 2 and the BNSF/Amtrak transcontinental railway follow the river along its south side, with the 286,700-acre Great Bear Wilderness lying within the Flathead National Forest just beyond. The Harrison Creek tract is the second largest private inholding within Glacier National Park and the only inholding bordering the Middle Fork of the Flathead Wild and Scenic River corridor. The river is popular with rafters, floaters, anglers, and other outdoor recreation enthusiasts.

If acquired, the Harrison Creek tract will improve access for hiking and horseback riding. The South Boundary Trail runs through the property and is one of the first trails available to hikers after winter snows begin to melt, providing spectacular views of the Middle Fork and an abundant array of wildflowers.

The property is prime habitat for a host of species including elk, wolves, Canada lynx, and grizzly bear. The river corridors, floodplains, and associated riparian habitat attract these species from the surrounding mountains. Since the tract is entirely

surrounded by public lands, its development would threaten protected habitat on both sides of the Middle Fork.

The Harrison Creek tract is part of the Doody Homestead. A historic cabin sits on the portion of the homestead that the National Park Service already owns, but the remaining private portion contains artifacts and remnants of pioneer life. Dan Doody was one of the first rangers in the park, and his wife Josephine was known to supply moonshine to grateful railroad workers in the early 1900s.

The allocation of the Harrison Creek tract would prevent incompatible development on a prominent site along U.S Route 2 and the Middle Fork; improve recreational access for rafters, horseback riders, hikers, and anglers; and enhance habitat connectivity within the Crown of the Continent. The National Park Service has prioritized the acquisition of this tract as part of Glacier's centennial celebration. An allocation of \$1.223 million from the Land and Water Conservation Fund – as recommended in the President's Budget – is needed in FY 2012 to acquire this inholding within one of America's most beloved and beautiful national parks.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Montana, and I appreciate your consideration of this funding request.

Statement of Michael P. Garner, President, National Association of Abandoned Mine Land Programs re the FY 2012 Proposed Budget for the Office of Surface Mining before the House Interior, Environmental and Related Agencies Appropriations Subcommittee

My name is Michael Garner and I am Director of Maryland's Abandoned Mine Land Program. I also serve as President of the National Association of Abandoned Mine Land Programs (NAAML). The NAAML represents 30 states and tribes with federally approved abandoned mine land reclamation (AML) programs authorized under Title IV of the Surface Mining Control and Reclamation Act (SMCRA). Title IV of SMCRA was amended in 2006 and significantly changed how state AML grants are funded. State AML Grants are still based on receipts from a fee on coal production, but beginning in FY 2008, the grants are funded primarily by mandatory appropriations. As a result, the states should receive \$498 million in FY 2012. We adamantly oppose the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed budget amount of \$313.8 million for State AML grants, a reduction of \$184.2 million, and reject the notion that a competitive grant process would improve AML program efficiency. The proposed spending cuts would eliminate funding to states and tribes that have "certified" completion of their highest priority coal reclamation sites. OSM has also proposed a \$6.8 million reduction in discretionary spending that would eliminate the federal emergency program under Section 410 of SMCRA. I appreciate the opportunity to testify before the Subcommittee and outline some of the reasons why the NAAML opposes OSM's proposed FY 2012 budget.

SMCRA was passed in 1977 and set national regulatory and reclamation standards for coal mining. The Act also established a Reclamation Fund to work towards eliminating the innumerable health, safety and environmental problems that exist throughout the Nation from the mines that were abandoned prior to the Act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSM and distributed to states and tribes that have federally approved regulatory and AML programs. The promise Congress made in 1977, and with every subsequent amendment to the Act, was that, at a minimum, half the money generated from fees collected by OSM on coal mined within the boundaries of a state or tribe, referred to as "State Share", would be returned for uses described in Title IV of the Act if the state or tribe assumed responsibility for regulating active coal mining operations pursuant to Title V of SMCRA. The 2006 Amendments clarified the scope of what the State Share funds could be used for and reaffirmed the promise made by Congress in 1977.

If a state or tribe was successful in completing reclamation of abandoned coal mines and was able to "certify" under Section 411 of SMCRA, then the State Share funds could be used to address a myriad of other abandoned mine issues as defined under each state or tribes approved Abandoned Mine Reclamation Plan. These Abandoned Mine Reclamation Plans are approved by the Office of Surface Mining and they ensure that the work is in accordance with the intent of SMCRA. Like all abandoned mine reclamation, the work of certified states and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining.

This reduction proposed by OSM in certified state and tribal AML grants not only breaks the promise of State and Tribal Share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished in the 2006 Amendments following more than ten years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the Administration's stated goals regarding jobs and environmental protection. We therefore respectfully ask the Committee to continue the funding for certified states and tribes at the statutory authorized levels and turn back any efforts to amend SMCRA in this regard.

In addition to the \$184.2 million reduction, the proposed FY 2012 budget would terminate the federal AML emergency program, leaving the states and tribes to rely on funds received through their non-emergency AML grant funds. This contradicts the 2006 amendments, which require the states and tribes to maintain "strict compliance" with the non-emergency funding priorities described in Section 403(a), while leaving Section 410, Emergency Powers, unchanged. Section 410 of SMCRA requires OSM to fund the emergency AML program using OSM's "discretionary share" under Section (402)(g)(3)(B), which is entirely separate from state and tribal non-emergency AML grant funding under Sections (402)(g)(1), (g)(2), and (g)(5). SMCRA does not allow states and tribes to administer or fund an AML emergency program from their non-emergency AML grants, although, since 1989, fifteen states have agreed to implement the emergency program *on behalf of OSM contingent upon OSM providing full funding* for the work. As a result, OSM has been able to fulfill their mandated obligation more cost effectively and efficiently. Ten states and 3 tribes continue to rely solely on OSM to operate the emergency program within their jurisdiction.

Regardless of whether a state/tribe or OSM operates the emergency program, only OSM has the authority to "declare" the emergency and clear the way for the expedited procedures to be implemented. In FY 2010, OSM made 153 emergency declarations in Kentucky and Pennsylvania alone, states where OSM had operated the emergency program. In FY 2011, OSM issued guidance to the states that the agency "will no longer declare emergencies." OSM provided no legal or statutory support for its position. Instead, OSM has "transitioned" responsibility for emergencies to the states and tribes with the expectation that they will utilize non-emergency AML funding to address them. OSM will simply "assist the states and tribes with the projects, as needed". Of course, given that OSM has proposed to eliminate all funding for certified states and tribes, it begs the question of how and to what extent OSM will continue to assist these states and tribes.

If Congress allows the elimination of the emergency program, states and tribes will have to adjust to their new role by setting aside a large portion of their non-emergency AML funds so that they can be prepared for any emergency that may arise. Emergency projects come in all shapes and sizes, vary in number from year to year and range in cost from thousands of dollars to millions of dollars. Requiring states and tribes to fund emergencies will result in funds being diverted from other high priority projects and delay certification under Section 411, thereby increasing the backlog of projects on the Abandoned Mine Land Inventory System (AMLIS). For minimum program states and states with small AML programs, large emergency projects will require the states to redirect all or most of their AML resources to address the emergency, thereby delaying

other high-priority reclamation. With the loss of stable emergency program funding, minimum program states will have a difficult, if not impossible, time planning, budgeting, and prosecuting the abatement of their high priority AML problems. In a worst-case scenario, a minimum program state would not be able to address a costly emergency in a timely fashion and would have to “save up” multiple years of funding before even initiating the work to abate the emergency, in the meantime ignoring all other high priority work.

OSM’s proposed budget suggests addressing emergencies, and all other projects, as part of a competitive grant process whereby states and tribes compete for funding based on the findings of the proposed AML Advisory Council. OSM believes that a competitive grant process would concentrate funds on the highest priority projects. While a competitive grant process may seem to make sense at first blush, further reflection reveals that the entire premise is faulty and can only undermine and upend the deliberate funding mechanism established by Congress in the 2006 Amendments. Since the inception of SMCRA, high priority problems have always taken precedence over other projects. The focus on high priorities was further clarified in the 2006 Amendments by removing the lower priority problems from the Act and requiring “strict compliance” with high priority funding requirements. OSM already approves projects as meeting the definition of high priority under its current review process and therefore an AML Advisory Council would only add redundancy and bureaucracy instead of improving efficiency.

We have not been privy to the particulars of OSM’s legislative proposal, but there are a myriad of potential problems and implications for the entire AML program based on a cursory understanding of what OSM has in mind. They include the following:

- Has anyone alleged or confirmed that the states/tribes are NOT already addressing the highest priority sites? Where have the 2006 Amendments faltered in terms of high priority sites being addressed as envisioned by Congress? What would remain unchanged in the 2006 Amendments under OSM’s proposal?
- If the current AML funding formula is scrapped, what amount will be paid out to the non-certified AML states and tribes over the remainder of the program? What does OSM mean by the term “remaining funds” in its proposal? Is it only the AML fees yet to be collected? What happens to the historic share balances in the Fund, including those that were supposed to be re-directed to the Fund based on an equivalent amount of funding being paid to certified states and tribes each year? Would the “remaining funds” include the unappropriated/prior balance amounts that have not yet been paid out over the seven-year installment period?
- Will this new competitive grant process introduce an additional level of bureaucracy and result in more funds being spent formulating proposals and less on actual AML reclamation? The present funding formula allows states and tribes to undertake long-term strategic planning and efficiently use available funds.
- How long will OSM fund a state’s/tribe’s administrative costs if it does not successfully compete for a construction grant, even though the state/tribe has eligible high priority projects? How will OSM calculate administrative grant funding levels, especially since salaries and benefits for AML project managers

and inspectors predominantly derive from construction funds? Would funding cover current staffing levels? If not, how will OSM determine the funding criteria for administrative program grants?

- How does OSM expect the states and tribes to handle emergency projects under the legislative proposal? Must these projects undergo review by the Advisory Council? Will there be special, expedited procedures? If a state/tribe has to cut back on staff, how does it manage emergencies when they arise? If emergency programs do compete for AML funds, considerable time and effort could be spent preparing these projects for review by the Advisory Council rather than abating the immediate hazard. Again, how can we be assured that emergencies will be addressed expeditiously?
- One of the greatest benefits of reauthorization under the 2006 Amendments to SMCRA was the predictability of funding levels through the end of the AML program. Because state and tribes were provided with hypothetical funding levels from OSM (which to date have proven to be quite accurate), long-term project planning, along with the establishment of appropriate staffing levels and project assignments, could be made accurately and efficiently. How can states/tribes plan for future projects given the inherent uncertainty associated with having to annually bid for AML funds?

Given these uncertainties and the negative implications for the accomplishment of AML work under Title IV of SMCRA, Congress should reject the proposed amendments to SMCRA as being counterproductive to the purposes of SMCRA and an inefficient use of funds. We request that Congress continue mandatory funding for certified states and tribes and provide funding for AML emergencies. A resolution to this effect adopted by the NAAMLPP at its recent Winter Meeting is attached, as is a more comprehensive list of questions concerning the legislative proposal. We ask that they be included in the record of the hearing.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mine drainage (AMD) from abandoned mines. This is an ongoing, and often expensive, problem, especially in Appalachia. NAAMLPP therefore requests the Committee to once again include language in the FY 2012 appropriations bill that would allow the use of AML funds for any required non-Federal cost-share required by the Federal government for AMD treatment or abatement.

We also urge the Committee to support funding for OSM's training program and TIPS, including moneys for state/tribal travel. These programs are central to the effective implementation of state and tribal AML programs, as they provide necessary training and continuing education for state/tribal agency personnel, as well as critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of \$1.55 million because it facilitates and enhances state and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.

Testimony of Kathy DeCoster
Vice President and Director of Federal Affairs, The Trust for Public Land
Regarding the Land and Water Conservation Fund, the Forest Legacy Program,
and other Land Conservation Grant Programs
House Appropriations Subcommittee on Interior, Environment and Related Agencies
March 28, 2011

Chairman Simpson, Ranking Member Moran, and distinguished members of the Subcommittee:

Thank you for the opportunity to submit testimony on behalf of The Trust for Public Land (TPL), a national nonprofit land conservation organization. I am pleased to offer our views on a number of critical land conservation programs that the Subcommittee will be considering as you draft your FY 2012 bill. We recognize that the Subcommittee will face enormous challenges in meeting the broad range of priority needs in the Interior and Environment bill this year. But we believe the American people support continued investments in conservation. Last year, even during a time of economic challenge, Americans voted in a strongly bipartisan fashion to create new state and local conservation spending, with approval of 30 of 36 ballot measures, a passage rate of 83 per cent – the highest during the past decade. The 2010 results represent the third highest passage rate since 1988, when TPL began tracking results.

These ballot initiatives reflect the very essence of conservation in the 21st century: collaborative, leveraged, partnership-based and locally supported. Federal funding is an absolutely critical part of the conservation toolbox and provides manifold benefits to the American people. Given the limited public conservation funding at all levels of government, TPL works to leverage federal conservation dollars, bringing to bear private philanthropic support as well as state and local funding sources to forge workable solutions to complex conservation funding challenges.

We are extremely grateful for the support members of this Subcommittee and other conservation leaders in Congress have shown for federal land acquisition and partnership programs during these challenging fiscal times. TPL respectfully requests that you continue the commitment to federal land conservation accounts by providing robust funding in FY 2012 for the **Land and Water Conservation Fund (LWCF)**, including \$465 million for federal land purchases, \$200 million for grants to states for parks and outdoor recreation, including a new component for city parks, and \$135 million for the **Forest Legacy Program**. Continued investment in all components of the LWCF is essential and TPL is ready to work with the Subcommittee to ensure that dollars invested are well spent on our most urgent needs. We urge you also to support complementary conservation funding through the Cooperative Endangered Species Conservation Fund, the North American Wetlands Conservation Act, the State and Tribal Wildlife Grants account, and the recently authorized Community Forest and Open Space Conservation Program.

Our top priority is funding for the LWCF, which for 47 years has been the cornerstone that sustains our federal public lands heritage and remains today a compelling and urgently needed program. When Congress created the LWCF in 1964, it sought to ensure that land conservation would receive funds every year by dedicating certain revenues. For most of its history, the major source of LWCF funds has been revenues from offshore oil and gas development in federal waters. LWCF activities neither require nor are designed to receive taxpayer dollars. This arrangement is built on the principle that the revenues generated from

energy development and natural resource depletion should be used for the protection of other natural resources such as parks, open space, and wildlife habitat for the benefit of current and future generations of Americans. TPL believes that this principle remains a sound one and that the American public supports using this very small percentage of OCS receipts – which annually average over \$6 billion – as a conservation offset.

Federal Land Acquisitions through the Land and Water Conservation Fund

Incompatible development is a continuing threat to our federal public lands. In our experience, private landowners within or adjoining our federal public land units are open to and quite often seek a conservation solution. Faced with uncertainty about the availability of federal land acquisition dollars, however, many landowners find that they cannot afford to wait on a win-win outcome. Adequate and timely federal land acquisition funding through the LWCF is critical to efforts to protect the nation's public lands heritage when these time-sensitive acquisition opportunities arise. As the Subcommittee evaluates the myriad programmatic needs and measures for making programs more efficient for the FY 2012 Interior and Environment Appropriations Bill, we would urge consideration of two examples of the significant on-the-ground benefits of maintaining investments in LWCF.

1. Land acquisition improves land and water management.

Public land units designated for conservation and public use often contain privately owned lands within their boundaries (inholdings) and immediately adjacent to them. Many of these properties hold critical biological, historic, cultural, and recreational values and are only made available for public purchase for a limited period of time. By purchasing inholdings from willing landowners, land managers ease obstacles in the path of improving water quality, wildlife habitat, public access, and historic preservation. Additional benefits to ecosystem-wide management include the control of invasive species, reduction of wildfire risks, increase of recreational activities, and consolidation of ownership within wildlife migration corridors. If inholdings are developed, rather than protected, they present a new set of challenges for land managers, and local communities, that bring results opposite to the advantages listed above. The majority of federal projects where TPL is a cooperating partner are inholdings that are partially or entirely surrounded by existing federal lands and that have minimal or no management costs associated with them. In a few other cases, federal agency purchase provides special-case management benefits – for example, highly-sought docking facilities at a coastal refuge in Florida - or otherwise meets urgent community needs such as drinking water or scenic protection.

2. Land acquisition ensures public access for recreation, protects important community benefits and contributes to the economy.

Every year tens of millions of Americans, as well as international visitors to our country, visit our public lands. Federal funding of land acquisition ensures that the public can access lands for these recreational and educational purposes. If accessible properties are instead sold for development or subdivision, there is no guarantee that the public will be able to enjoy the nearby public lands, for the simple reason that they become inaccessible. Properties along roads and rivers are prized by recreationalists not only for their resources, but also for the chance to easily arrive at the site. Not surprisingly, these accessible sites are also prized for second homes and other converted uses. Purchase can also enhance the quality of recreational experiences, encouraging greater public participation and use.

There is a clear economic impact from these activities. A 2006 federal interagency study determined that 87.5 million people annually spend \$122.3 billion on fishing, hunting and wildlife watching alone. These activities and others have significant ripple effects. The Outdoor Industry Foundation estimates that active outdoor recreation contributes \$730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the U.S., generates \$49 billion in annual national tax revenue, and produces \$289 billion annually in retail sales and services across the country.

Among the recreation destination whose economic and natural resource values might be significantly compromised without sufficient LWCF funding in FY 2012 are Glacier National Park in Montana, where funds will acquire the last Flathead River inholding in the entire park; the Sawtooth National Recreation Area in Idaho, where a conservation easement will protect the lands along the river are scenic vista at the gateway to the NRA, and Georgia's Chattahoochee River National Recreation Area, where now-or-never inholding purchases will secure key recreational access along the river.

Federal acquisition of private inholdings can also help stimulate local economies through restoration on public lands, a well-documented job creation activity. One example of this can occur through consolidation of federal checkerboard holdings in California's Northern Sierra, which has helped the U.S. Forest Service implement meadow restoration projects that increase watershed retention and improve coldwater fisheries habitat. Across these same forests, the agency is implementing hazardous fuels reduction projects that create additional jobs and generate biomass material for clean energy. For this reason, LWCF-funded acquisitions in the Northern Sierra have gained support from the Sierra Business Council and other local interest groups. The Northern Sierra is just one of many places where targeted federal acquisitions can help support this kind of job creation.

State Side of the Land and Water Conservation Fund

Since 1965, the stateside program has provided 41,000 grants to states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance. Stateside funds were an essential part of land protection in Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. Most recently, TPL worked with the state of Tennessee to add 1,388 acres to the popular Cumberland Trail, extending it by 19 miles, using state LWCF grant funding. To meet needs such as these as they continue to arise in all 50 states and in U.S. territories, we urge you to fund this program at \$200 million.

Within the \$200 million requested for state LWCF grants in the President's Budget for FY 2012, the administration has proposed a new competitive grant program to invest in community parks and greenways, landscapes, and recreational riverways. This effort – which is based on an idea championed by Ranking Member Moran during the FY 2011 appropriations process – will particularly help cities and urbanized counties increase the availability of parks and green spaces for residents of our more populated areas, many of whom lack access to safe, close-to-home recreational sites. This proposed targeting of LWCF funds to areas most in need of new parks will help address the health threats many Americans – especially children – are now facing due to lack of access to parks. TPL is the nation's only national land conservation organization working to create parks in cities across the nation, and we strongly support this

competitive grant program as laid out in the Department of the Interior's FY 2012 budget proposal.

U.S. Forest Service Forest Legacy Program

The Forest Legacy Program provides extraordinary assistance to states and localities seeking to preserve important working forests. Since its inception in 1990, the Forest Legacy Program has protected over 2 million acres of forestland together with over \$630 million in non-federal matching funds. For FY 2012, the President's Budget recommends projects that provide multiple public benefits that derive from forests – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry. The Forest Legacy Program has been very effective over its short history, leveraging a dollar for dollar match to federal funds, well more than is required under the program. TPL urges your continued support for sustained investment in this strategic conservation program. In FY 2012, TPL is working in partnership with eight states on working forest projects that protect recreation access for snowmobilers and hikers, ensure jobs in the woods, buffer important federal and state conservation areas and provide strategic land conservation that fits a larger goal.

U.S. Fish and Wildlife Service – Land Conservation Grant Programs

We are grateful for the Subcommittee's historic support for U.S. Fish and Wildlife Service grant programs, including the **Cooperative Endangered Species Conservation Fund** – which leverages state and private funds and has protected threatened and endangered species habitat across the nation. We urge your support for program funding at the President's Budget level of \$100 million in FY 2012. The **North American Wetlands Conservation Act (NAWCA)** provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. We urge the Subcommittee to provide the President's Budget request of \$50 million. Finally, we urge you to fund the **State and Tribal Wildlife Grants Program** at the proposed President's budget level of \$95 million in FY 2012. This strategic funding program is aimed at preventing wildlife from becoming threatened and endangered through strategic conservation investments in every state and territory.

U.S. Forest Service Community Forest and Open Space Conservation Program

Lastly, we commend the Subcommittee's attention to the new **Community Forest and Open Space Conservation Program** authorized in the 2008 Farm Bill. We believe that local communities and tribes can play an important role in shaping our nation's forest future. This new program will provide a complement to existing conservation programs by targeting the acquisition of critical forestlands within and for specific communities. Every federal dollar from CFOSCP will be evenly matched by funding from state, local, and private sources. With this program now under a formal rule and ready for implementation, we encourage you to include the President's Budget level of \$5 million in the FY 2012 bill.

Thank you again for the opportunity to submit this testimony. The programs highlighted herein help determine the fate of our nation's most treasured public lands and our local communities' real needs and reflect the true partnership nature of federal conservation efforts. Just as much, they make a real difference in the lives of countless Americans. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these efforts. We urge you to maintain robust investment in these programs and stand ready to work with you to ensure that funds are spent wisely on strategic and urgent conservation priorities. Thank you for help and support, and for your consideration of our requests.



Written Statement of
Theatre Communications Group
Submitted March 31, 2011
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations | United States House of Representatives
The Importance of Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group – the national service organization for the American theatre – is grateful for this opportunity to submit testimony on behalf of our 488 not-for-profit member theatres across the country and the 30 million audience members that the theatre community serves. **We urge you to support level funding of \$167.5 million for the National Endowment for the Arts for FY12.**

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate \$166.2 billion annually in economic activity, support 5.7 million jobs and return \$12.6 billion in federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning and communication abilities – preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture – and provide artistic homes for the development of – the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our nation's diversity.



Here are some recent examples of NEA grants and their impact:

From the NEA's Access to Artistic Excellence Program:

With the support of a \$40,000 Access to Artistic Excellence grant from the NEA, Childsplay, located in Tempe, Arizona, will produce the world premiere of *The Color of Stars*. This play, written by Dwayne Hartford and directed by Artistic Director David Saar, follows 18-year-old Allie as she uncovers the stories, truths and childhood experiences of her grandfather Eddie's coming of age in rural Maine during early World War II. Expressed through the voice of a generation of children growing up in a post 9/11 America, *The Color of Stars* is designed to provoke meaningful dialogues and to build greater empathy for those touched by wartime experiences. This project will be produced on the mainstage reaching 20,000 school students and families. Founded in 1977, Childsplay offers arts education resources to more than 250 schools annually. The theatre has educated and inspired nearly 4 million Arizona residents, and has grown to serve an average annual audience of 200,000 children and families through its academy, teacher professional development and extensive residency work with classroom students.

Cleveland Public Theatre in Ohio received a \$10,000 Access to Artistic Excellence grant for the Y-Haven Theatre Project to serve homeless men in recovery. The program develops capacities the men can draw upon to maintain sobriety and transition to employment, permanent housing and independent living. Participants are engaged in intensive vocal, movement and acting training and writing exercises. The 2010 original play, *Taking Care of Business*, drew from the men's experiences to tell a story of shame and redemption. An eight-performance tour played to audiences of homeless people, incarcerated youth, college students and the general public—1,030 people in total. Performances helped to raise awareness in the community and reinforce that homeless people and those coping with addictions can lead productive lives. As one participant commented, "Now the doors are wide open. I can become what I am meant to be, not by my own design, but with the help of my peers. I finally completed something I made a commitment to do."

Thanks to a \$25,000 Access to Artistic Excellence grant from the NEA, La Jolla Playhouse will present the world premiere play *Shah Mat*, by playwright Naomi Iizuka. San Diego is home to many military installations and the corporate headquarters of several major defense contractors. It is also home to the third-largest Iraqi refugee community in the U.S. and a burgeoning Afghani community. *Shah Mat* will utilize extensive interviews with members of all of these communities, alongside original scenes and monologues, to examine the impact of the current wars in Iraq and Afghanistan on a city that serves as a microcosm of the nation as a whole. Playing an important role in attracting tourism to the region, over 100,000 people, 20,000 of whom were from outside the County, attended performances in 2010. In addition, the Playhouse's flagship



Theatre
Communications
Group

education touring initiative brought a musical for young audiences to 43 schools across the County, reaching 15,500 children through 66 performances. La Jolla Playhouse is not only a vital cultural resource for the County of San Diego, but also a provider of hundreds of jobs. In 2010 alone, the Playhouse employed over 450 people and engaged 1,085 volunteers.

A \$25,000 NEA Access to Artistic Excellence grant to Idaho Shakespeare Festival supported the Festival's two annual school touring programs, Idaho Theater for Youth and Shakespearience. These tours bring fully staged, professional theatre productions into K-12 classrooms in all regions of Idaho. In 2010, Idaho Theater for Youth, serving grades K-6, presented *Aesop's Network: Broadcasting Theatrical Fables*, by E. Gray Simons III, while Shakespearience, serving grades 7-12, presented William Shakespeare's *Othello*. The 168 in-school performances, together with related study guides and interactive workshops, reached a total of 46,730 students and teachers in 141 schools.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Theatre Communications Group urges you to support level funding for FY12 for the NEA, to maintain citizen access to the cultural, educational and economic benefits of the arts, and to advance creativity and innovation in communities across the United States.

The arts infrastructure of the United States is critical to the nation's well-being and its economic vitality. It is supported by a remarkable combination of government, business, foundation and individual donors. It is a striking example of federal/state/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished. Further, the American public favors spending federal tax dollars in support of the arts. The NEA is funded at \$167.5 million in the FY10 budget; however, it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. We urge the subcommittee to maintain level funding at \$167.5 million to preserve the important cultural programs reaching Americans across the country.

Thank you for considering this request.

1081



March 28, 2011

To: House Committee on Appropriations:
Subcommittee on Interior, Environment and Related Agencies

From: Larry Blackstad, Chair, Three Rivers Park District Board of Commissioners

Subject: Written testimony regarding Interior appropriations, Land and Water Conservation Fund
and the proposed Competitive Grant Program

Three Rivers is a "special park district" created by Minnesota Statute in the 1950s with the mission to "promote environmental stewardship through recreation and education in a natural resources based park system." To accomplish this purpose, the District has acquired more than 27,000 acres of land to protect significant wetlands, re-establish prairies and protect significant conservation areas. Our agency serves the greater Minneapolis-St. Paul, Minnesota, region with facilities in five of the region's seven counties. More than 8 million annual visits are made to our facilities.

As a special park district, we are uniquely empowered to address land and water conservation issues and opportunities that span local political boundaries. As work continues on land and water conservation legislation, it is respectfully requested that special park districts be recognized as unique regional partners with the federal efforts and be eligible for funding in all future legislation addressing land conservation and recreation issues.

Our agency was a respondent to the America's Great Outdoors report encouraging full funding for the Land and Water Conservation Fund and inclusion of the Competitive Grant Program. Special park district systems, with their unique funding authority and focus on regional land and water conservation issues, offer the opportunity to be local funding partners with the Land and Water Conservation Fund. We support authorization of the proposed Competitive Grant program for all or a portion of the 40 percent stateside share of the Land and Water Conservation Fund. The federal government, partnering with regional agencies committed to protecting water resources and conserving land for future generations, offers opportunities to leverage considerable non-federal funding through a new Land and Water Conservation Fund Competitive Grant Program.

Thank you for your consideration of our comments. Three Rivers looks forward to working as a partner in the implementation of federal land and water conservation goals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry Blackstad", is written over a light blue horizontal line.



Testimony of
In Support of the Forest Legacy Program
Thomas Creek - Northeast Florida Timberlands project, Florida
U.S. Forest Service
House Appropriations Committee

Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2011

T. R. Hainline, Jr., President
Timucuan Trail Parks Foundation

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony on behalf of the Timucuan Trail Parks Foundation in support of the Forest Legacy Program in the FY 2012 Interior Appropriations Bill. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. For several years this Forest Service program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that \$900 million, the President requested \$135 million for the Forest Legacy Program (FLP).

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in FY 2012, the U.S. Forest Service included \$3.5 million for the Thomas Creek - Northeast Florida Timberlands project in Florida in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for FLP so that this important project can receive this needed funding.

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 The Honorable Michael Simpson, Chair
 The Honorable James Moran, Ranking Member
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It goes without saying that the state of Florida has experienced tremendous growth in recent decades, and one of the results of that growth has been the diminution of the state's forested lands. Among the goals of Florida's Forest Legacy Program (FLP) is the mitigation of the rapid loss of environmentally important forests through the conservation of these forested communities. Statewide this effort is focused specifically on lands threatened by permanent conversion to nonforest uses and where partnerships complement existing land conservation efforts. In North Florida, FLP goals are expanded to include the support of sustainable forestry practices, a focus on riverine systems, the conservation of critical fish and wildlife habitat, and outreach to private nonindustrial forest landowners. This year State of Florida has submitted a Forest Legacy project, Thomas Creek—Northeast Florida Timberlands, which meets these important state and regional goals.

Northeastern Florida is home to a diverse coastal ecosystem of marshes, wetlands, river corridors, forests, and uplands. The landscape has featured centuries of history through the Pre-Columbian, European colonization, and American periods. Given the presence of the large and growing population of Jacksonville in the center of the dynamic ecosystem, much of the conservation in the region is a cooperative effort among federal, state, and local agencies, private landowners, and interested organizations. A centerpiece of this cooperative approach is the Timucuan Ecological and Historic Preserve (EHP), a unique preserve created by Congress in 1988 that extends over 46,000 acres at the mouths of the St. Johns and Nassau rivers.

The City of Jacksonville is leading an initiative with the National Park Service, the State of Florida, and private partners to protect a 1,780-acre forested property south of Thomas Creek and adjacent to Timucuan EHP. Within this larger effort, 588 acres have been proposed for acquisition by the City of Jacksonville as part of the Forest Legacy Program. In FY 2011, the President's Budget includes the first 294-acre phase of this Forest Legacy property, which has a one-half mile border with Jacksonville's Bear Branch Preserve on its western side. On its northern flank lies State-owned conservation land within Timucuan EHP along Thomas Creek. The property also includes a portion of the site of the 1777 Battle of Thomas Creek, known as the southernmost continental encounter between the Americans and British during the Revolutionary War.

The City plans to manage the Forest Legacy property for recreation, wildlife habitat, water quality protection, and sustainable forestry purposes. Eight miles of existing logging trails would be available for hiking and other recreational uses such as camping and hunting. The project area includes hardwood marshes along one-half mile of Bear Branch, a tributary of Thomas Creek. The slash pine and loblolly pine found on much of the tract are currently managed as a working forest. The City will continue sustainable forestry on the tract, recognizing the importance of forestry in the economy of northern Florida.

The landscape provides habitat for many notable species including bald eagle, wood duck, hooded merganser, deer, turkey, and quail. Bobcats have been sighted in the area. The wa-

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tershed is also thought to have habitat suitable for wood storks, gopher tortoises, flatwoods salamanders, and eastern indigo snakes, all federal or state-listed threatened or endangered species. West Indian manatees are known to frequent the waters of Thomas Creek and the preservation of this land would aid in protecting the water quality for this endangered species' habitat. Additionally, a number of Species of Greatest Conservation Need, as listed in the Florida Comprehensive Wildlife Conservation Strategy, have been identified on the property, including little blue heron, snowy egret, tricolored heron, and white ibis.

Because of its links to the Nassau River watershed, the State of Florida has listed this area as a priority for acquisition and conservation through the Florida Forever Program. The project area, known as the Northeast Florida Timberlands and Watershed Reserve, covers forested watershed land in Nassau, Duval, and Clay counties. The reserve was categorized in September 2008 by the state as an "A" list priority acquisition area and as one of 21 projects listed as highest priority. The goal of the reserve is to provide a wildlife and recreation corridor and a growth boundary for the rapidly growing Jacksonville area.

In addition to Timucuan EHP and Bear Branch Preserve, the larger 1,780-acre property is within the vicinity of several other public facilities and sites. About a mile to the west is the 526-acre Jacksonville National Cemetery. Authorized by Congress in 2003, the cemetery opened in January 2009. Jacksonville International Airport and facilities of the Florida Air National Guard are about 1.5 miles to the south.

This key location also poses significant development threats to the area. The airport is a large economic generator in the region, and lands around it are expected to see high rates of growth in upcoming years. The property also has proximity to Interstate 95, allowing for easy access to the rest of the Jacksonville metropolitan area. In fact, zoning is in place to convert the property into a golf course and residential community of 800 homes. But for the current downturn in the economy, this land would be well on its way to being developed within the next five years. These threats to the property will only increase in the future given its accessibility and population and economic growth trends.

The President's Budget recommended an allocation of \$3.5 million from the Forest Legacy Program in FY 2012 for the protection of the recreational, historical, and natural resources of the Thomas Creek - Northeast Florida Timberlands property. The City of Jacksonville will provide \$2 million to match the funds provided by the Forest Legacy Program for the second phase of this project.

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I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Florida, and I appreciate your consideration of this funding request.

Respectfully submitted,

T. R. Hainline, Jr., President
Timucuan Trail Parks Foundation



**Testimony of the Town of Ophir
In Support of the Land and Water Conservation Fund
Uncompahgre National Forest, Colorado
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Forest Service included \$4.04 million for the acquisition of land in the Uncompahgre National Forest in Colorado in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

Located in the heart of southwestern Colorado's San Juan Mountains, the Ophir Valley project area in the Uncompahgre National Forest is one of the San Juans' hidden gems. A short detour of only a mile off of Highway 145 – part of the nationally

acclaimed 236-mile San Juan Skyway Scenic Byway – brings visitors into a compact valley ringed by 13,000 foot peaks and serrated ridge lines.

Against a backdrop of unsurpassed alpine scenery, Ophir Valley offers an abundance of recreational opportunities for residents and visitors, including hiking, camping, mountain biking, cross-country skiing, four-wheeling, and fishing. In addition, the valley supports habitat for the Canada lynx, a federally listed threatened species, and provides important habitat for the endangered Uncompahgre fritillary butterfly and other sensitive species. It also contains the headwaters of Howard Fork, a key tributary to the San Miguel River, which The Nature Conservancy has called “one of the last naturally functioning rivers in the West.” The San Miguel sustains a globally rare narrowleaf cottonwood-Colorado blue spruce/black twinberry plant community.

While much of the Ophir Valley is in public ownership, the region’s mining heritage also created hundreds of privately owned patented mining claims scattered across the landscape like matchsticks. These private inholdings once were vital to sustaining 19th-century efforts to find and extract mineral wealth. Now, however, at a time when hard rock mining in southwestern Colorado appears increasingly less viable economically, many former mining districts, such as Ophir, are seeing these private inholdings develop into sites for second homes. As a result, more and more of the Ophir Valley’s subalpine and alpine environments are at risk of being developed, potentially creating significant management issues for the U.S. Forest Service, fragmenting wildlife habitat, and spoiling the scenic splendor and recreational opportunities so important to residents and visitors.

Currently, the Forest Service has the opportunity to acquire all of the remaining acres out of a total 1,145 acres of patented mining claims that had been under one ownership in the Ophir Valley. Prior to this acquisition effort, these claims represented approximately 90 percent of the valley’s privately owned inholdings. Federal appropriations provided in previous years have allowed the Forest Service to begin acquiring these mining claims, and the requested \$4.04 million in FY 2012 will allow the agency to purchase the final 445 acres. This project resolves many land use and access conflicts that stem from the development of private inholdings within public lands, while promoting effective land management practices by the U.S. Forest Service. In particular, the ongoing acquisition protects critical habitat, maintains high-quality recreational opportunities on public lands, protects water quality, and helps maintain the quality of life of the region’s residents.

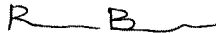
This protection effort is a natural extension of the successful Red Mountain project, located just to the north and east of the Ophir Valley along a different portion of the San Juan Skyway. It will also complement other land protection and recreation enhancement efforts along and adjacent to the San Juan Skyway, one of only 27 All-American Roads in the National Scenic Byway program. In recent years, for example, Great Outdoors Colorado Trust Fund has pledged \$5.7 million for land protection in the area. In FY 2012, an allocation of \$4.04 million from the Land and Water Conservation

Fund – as recommended in the President’s Budget request – is needed to enable the Forest Service to complete the protection of these critical inholdings.

The Land and Water Conservation Fund is our nation’s premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Colorado, and I appreciate your consideration of this funding request.

Best Regards,

A handwritten signature in black ink, appearing to read 'R B' followed by a horizontal flourish.

Randy Barnes
Town Manager
Town of Ophir
POB 683
Ophir, CO 81426
admin@town-ophir.co.gov



Name: Mike Berry
 Title: General Manager
 Organization: Tri-County Water Conservancy District

March 12, 2011

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 Subcommittee on Interior, Environment, and Related Agencies
 Committee on Appropriations
 United States House of Representatives
 B-308 Rayburn House Office Building
 Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran:

The Board of the Tri-County Water Conservancy District is requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. We request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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We request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. We appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

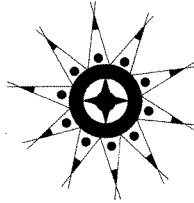
Sincerely,

A handwritten signature in black ink, appearing to be "MKS".

970-249-3369
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UNITED SIOUX TRIBES
Development Corporation
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Pierre, SD 57501

Administration (605) 945-3075
 Indian Jobs Placement (605) 945-3074
 Workforce Investment (605) 224-8865
 Business Office (605) 224-8864
 Web Site <http://unitedsioux.com>
 Facsimile (605) 224-0069



- Standing Rock
- Lower Brule
- Fort Totten
- Flandreau
- Rosebud
- Santee
- Crow Creek
- Pine Ridge
- Cheyenne
- Sisseton
- Yankton

Field Office
 Rapid City, SD (605) 343-1100

May 3, 2011

Clifton W. Skye
Executive Director, Acting
United Sioux Tribes of South Dakota Development Corporation
Testimony before the U.S. House of Representatives, Committee on Appropriations,
Subcommittee on Interior, Environment and Related Agencies for FY 2012 Budget

Good afternoon Chairman Michael Simpson (R-ID), ranking member James Moran (D-VA), and honorable members of the U.S. House of Representatives, Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies. Allow me to recognize important changes within the subcommittee by offering my congratulations to Chairman Simpson on being selected as the new subcommittee chairman, and to recognize the service of former Chairman James Moran (D-VA). The tradition of allowing Public Witness Testimony on Native American Issues is an important Congressional venue for tribes and tribal organization nationwide. As the Executive Director, Acting, of United Sioux Tribes of South Dakota Development Corporation, my staff and I serve the elected tribal leaders from eleven *Lakota-Nakota-Dakota* (Sioux) tribes in North Dakota, South Dakota and Nebraska with outreach to the Sioux in Minnesota and Montana. I respectfully offer this testimony to the subcommittee for Fiscal Year (FY) 2012. A summary of our FY 2012 funding request is as follows:

Agency, Programs and Funding Request

1. To authorize and appropriate \$1.2 million for the **Indian Jobs Placement Program-United Sioux Tribes Development Corporation** (CFDA No.15.061) or otherwise listed as the United Sioux Tribes' Employment Assistance Program; and
2. To authorize and appropriate \$1.2 million for the **National Tribal Cultural Resources Database Program**.

Early History of the United Sioux Tribes

The United Sioux Tribes is the oldest *Lakota-Nakota-Dakota* (Sioux) tribal organization in the Great Plains region. We are a non-profit 501 (c)(3) inter-tribal corporation chartered by the Sioux Chairmen, Presidents and Tribal Chairs. Our organization dates to 1952, which is three years before the African-American Civil Rights Movement began. The Sioux had concerns over federal Indian policy changes that began with the enactment of House Concurrent Resolution

108 on August 1, 1953. The 83rd Congress passed Public Law (P.L.) 83-280 fifteen days later, embarking on the termination of 109 Indian tribal governments. United Sioux Tribes faced the enactment of Public Law 280 by the State of South Dakota on March 15, 1963. We spearheaded a statewide referendum vote, which stopped South Dakota from assuming jurisdiction over nine Indian tribal governments on November 3, 1964.¹ The federal statute was amended four years later to require tribal consent in 1968. The United Sioux Tribes incorporated in South Dakota two years later on May 19, 1970. The late President Richard Milhous Nixon officially ended the federal Indian policy of termination fifty days later on Wednesday, 8 July 1970.

Role of the United Sioux Tribes

I recite these historical milestones to inform the Congress and its Tea Party membership that former President Nixon provided the greatest relief and compassion for all Native Americans before and since his presidency. President Nixon articulated a federal Indian policy, which set the present course of Indian self-determination within the first 18 months of his presidency... "Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit."² U.S. Senator Rand Paul (R-KY) introduced Senate Bill 162 on Wednesday, 26 January 2011, which called for the elimination of the U.S. Bureau of Indian Affairs as a cost saving measure; however, I point to history that termination is a tried and failed policy. Indian nations, especially the Sioux tribes, agreed to exchange land and resources for United States promises set forth in treaties. The Bureau of Indian Affairs carries out those promises. President Nixon continues, "This, then, must be the goal of any new national policy toward the Indian people to strengthen the Indian's sense of autonomy without threatening this sense of community... And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support."³ I support President Obama on his current practice of meeting with Indian tribes on a government-to-government basis. The President affords Indian tribes an opportunity to set the agenda; yet, the American Indian agenda will not be forthcoming. If 435 members of Congress cannot agree to a budget, then why would 564 Indian tribal governments agree to a national Indian agenda? Why presume all Indian nations are the same. We are not. We are not like states, which Jacqueline Johnson Pata, Executive Director of the National Congress of the American Indian often quips. In fact, Indian tribal governments are superior to states since treaties are, "not a grant of rights to the Indians, but a grant of rights from them."⁴ Indian tribal organizations such as the United Sioux Tribes of South Dakota Development Corporation provide an important function to Congressional delegations because we educate everyone. We

¹ Wilkinson, Charles, 2005. *Blood Struggle: The Rise of Modern Indian Nations*. W.W. Norton & Company, New York, New York, p. 124.

² Public Papers of the Presidents of the United States: Richard Nixon, 1970, p. 564-567, 576-76., <http://www.epa.gov/tp/pdf/president-nixon70.pdf> (accessed on April 7, 2011).

³ Ibid.

⁴ *United States v. Winans*, 198 U.S. 371, 25 S. Ct. 662, 49 L. Ed. 1089 (1905)

contribute to the Indian agenda sought by the White House since we were created by Indian leadership for this purpose. Tribal organizations ideally identify problems and offer solutions. I testify before this subcommittee to offer a solution regarding an unfunded mandate created by Presidential Executive Order (EO) 13175.

National Tribal Cultural Resources Database

Government-to-government consultation and coordination with Indian tribal governments began with EO 13175 signed by former President Bill Clinton on November 6, 2000. The practice of consultation between Indian tribes and federal agencies such as the Bureau of Indian Affairs, Bureau of Land Management, and Forest Service is inequitable at best. Federal land and resource management agencies use remote sensing data and geospatial information systems (GIS) to plan and solve land management problems. Few tribes have these tools. I respectfully request \$1.2 million be added to the Interior Appropriations bill as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes. These funds will be used for Native American interdisciplinary projects administered by the United Sioux Tribes and supported in partnership by the Bureau of Indian Affairs and U.S. Geological Survey scientists. Goals of this partnership include increased employment for Native Americans, pooling resources and expertise for research, economic development, inventory of natural resources and tribal lands, water resource management, assessment of cultural resources, and earth science education and training. The United Sioux Tribes is working with the U.S. Geological Survey toward reauthorizing a memorandum of understanding originally signed on October 27, 2004. We anticipate supporting the database with the Indian Jobs Placement Program-United Sioux Tribes to maximize opportunities for Native Americans in information technology and other high-technology fields. The National Tribal Cultural Resources Database focuses on National Forest System Lands of the U.S. Forest Service. Public Law (PL) 110-246, Section 8106, prohibits the disclosure of traditional and cultural resources used by an Indian tribe. The database is a national effort supporting cultural resource management for Indian tribal governments, by allowing tribes to evaluate federal land and resource management proposal in a near equitable basis. For example, if federal agencies consult with tribes on activities lying within their traditional cultural properties, then what recourse do tribes have concerning assertions made by the federal government? Congressional trust obligations to tribe include tools needed to evaluate public land initiatives on their traditional cultural properties. Briefly, the database supports tribal cultural resource management and utilizes remote sensing or Digital Orthographic Quadrangles (DOQ). The DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for camera tilt and topographical variations in the surface of the earth. Again, tribes accessing the database are protected from the Freedom of Information Act under Public Law 110-246, Sections 8106. The Flandreau-Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska passed a resolution to participate in a demonstration project. The South Dakota State Legislature urged Congress to include funding for the National Tribal Cultural Resources Database in HCR 1011, which passed the bicameral legislative body on February 25, 2009.

Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061)

Glenn Emmons, Bureau of Indian Affairs Indian Commissioner, initiated the Indian relocation programs in 1948. Over 33,466 Native Americans were relocated by 1960.⁵ The Indian Jobs Placement Program assists urban Indian populations, easing transitions of chronic unemployment on the reservations. Kendal Johnson, Acting Chief, Census 2010 Publicity Office, stated that *64.1 percent of Native Americans reside off the reservation*.⁶ The United Sioux Tribes administered the Indian Jobs Placement Program from the mid 1970's until about 1994. Ada Deer, Assistant Secretary-Indian Affairs, my aunt, cut my program during the first term of the Clinton Presidency. We anticipate supporting the National Tribal Cultural Resources Database with the Indian Jobs Placement Program. Therefore, I respectfully request \$1.2 million be added to the Interior Appropriations bill for fiscal year (FY) 2011 as a line item for the Bureau of Indian Affairs for the next five years. These funds would be included in the Community and Economic activity for the Operation of Indian Programs to support the United Sioux Tribes Development Corporation. These funds will be used for the Indian Jobs Placement Program-United Sioux Tribes (CFDA 15.061). The goals of the Indian Jobs Placement Program-United Sioux Tribes include increasing employment for Americans Indians, pooling resources and expertise for research, and economic development. I testified before the subcommittee in FY 2008, and submitted testimony in FY 2009. Clarence Skye testified for FY2011. North Dakota Governor John Hoeven (R-ND), and South Dakota Governor Michael Rounds (R-SD) issued letters of support in FY 2006. The Honorable Joseph Brings Plenty, Chairman of the Cheyenne River Sioux Tribe, made a request to the subcommittee in FY 2007 to fund the Indian Jobs Placement Program-United Sioux Tribes. U.S. Senator Tim Johnson (D-SD) listed funding requests for the program in FY2010; however, former U.S. Representative Stephanie Herseth-Sandlin (D-SD) refused to include us in her House appropriation request for FY2010. South Dakota elected U.S. Representative Kristi Noem (R-SD) as her replacement. The South Dakota State Legislature approved House Concurrent Resolution (HCR) 1010, which called upon Congress to include the Indian Jobs Placement Program-United Sioux Tribes in the Interior appropriations on February 25, 2009. The program offers job placement, job referral services, education assistance, direct employment activities and other features to Indian people working on and off the reservation; however, United Sioux Tribes core services are for urban Indians since Indian tribal governments are reluctant to service off-reservation needs.

Conclusion

Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee on Interior, Environment and Related Agencies for this opportunity to testify before this committee. I urge the committee to act upon this request. Thank you again.

⁵ The Newberry Library. Inventory of the Bureau of Indian Affairs Indian Relocation Records, 1936-1975, bulk 1956-1958. Chicago, IL, <http://www.newberry.org/collections/FindingAids/relocation/Relocation.html> (accessed on March 15, 2010).

⁶ Johnson, Kendall. 2009. C2PO. 2010 Census Integrated communication Research Memoranda Series, No. 6. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. November 10. p. 6.

University Consortium for Geographic Information Science

703-799-6698

PO Box 15709, Alexandria, VA 22309

Testimony of the University Consortium for Geographic Information Science
David L. Tulloch, Rutgers University and Jack Sanders, UCGIS

On the
U. S. Geological Survey FY 2012 Budget

To the
U. S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
April 1, 2011

The University Consortium for Geographic Information Science (UCGIS) appreciates this opportunity to submit comments on the 2012 Budget request for the U. S. Geological Survey. We join others in urging Congress to appropriate at least \$1.2 billion for USGS in Fiscal Year 2012. UCGIS members include more than 70 leading universities located throughout the country that offer advanced programs in geographic information science research and education. These programs offer geospatial education and research using remote sensing, GPS, field monitoring and geographic information systems technology for studies of human and physical conditions across the landscape.

USGS describes itself as "a science organization that provides impartial information on the health of our ecosystems and environment, the natural hazards that threaten us, the natural resources we rely on, the impacts of climate and land-use change, and the core science systems that help us provide timely, relevant, and useable information." Its science focus includes geographic analysis and mapping, geologic processes, natural hazards, oceans and coastlines, and earth characteristics, among other areas.

We are concerned particularly about reductions in USGS support for overall scientific activities and we note that the current descriptions of increases and decreases in program areas at USGS do not include overall estimates of the implications for agency-wide spending on the science to support policy and decision-making. Without a way of tracking such total spending over time, a basic mission area of USGS can be undermined.

The changing role of USGS has been important in helping research keep up with a rapidly changing world. Much of the traditional work of the agency, in areas dealing with natural processes like hydrology and seismology, creates important data and science for researchers throughout the earth science communities. As our member universities conduct research in hazards and develop tools for emergency response, USGS data underpin their work.

An area of critical advancement has been the National Map which links important datasets together in support of both applications and research. These efforts benefit virtually every GIS research university in the United States as well as other members of the research community. This centralized data tool has the potential to reduce redundancy, support new research activities, and improve the ability of many university researchers to share their research results across disparate landscapes. USGS has played a central role in facilitating the development of low-altitude aerial photographs for much of the country which has spurred both research and commerce.

Another important area has been the USGS involvement in the Landsat Data Continuity Mission which has allowed the GIScience research community to continue making the most of remotely sensed data. This program produces critically important products supporting ongoing projects around the world that are engaged in environmental monitoring for activities from changing vegetation to volcanic processes to carbon stock assessments. An extremely wide array of scientists, not just GIScientists, would have their work severely hindered by any limits to this invaluable stream of scientific data. Linked with the Landsat programs is the Earth Resources Observation and Science (EROS) Center which serves as an important center facilitating a variety of research activities. The sophisticated computing resources and important linkages to earth sciences make this center a continued focal point in an enormous array of research projects and new technological advances.

The House Interior Appropriations Subcommittee has supported the work of USGS in the past, strengthening its resources to carry out an essential mission in the national interest. We urge a continuation of that commitment through an appropriation of at least \$1.2 billion in FY 2012.

Testimony submitted by
 Richard A. Anthes, President of the
 University Corporation for Atmospheric Research (UCAR) to the
 Subcommittee on Interior, Environment, and Related Agencies, of the
 U.S. House of Representatives Committee on Appropriations
 Regarding Fiscal Year 2012 Appropriations for the Department of Interior (DOI)
 March 28, 2011

On behalf of the University Corporation for Atmospheric Research (UCAR), a consortium of 76 research universities that manages the National Center for Atmospheric Research, I submit this written testimony regarding the FY 2012 appropriation for the Department of the Interior (DOI) for the record of the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. DOI's programs in climate science, adaptation, and education contribute a unique and critical component to the country's efforts to better understand, predict, and respond to the impacts of climate variability on human and natural systems. **I urge the Subcommittee to fund the FY 2012 budget request of \$72.9 million for Climate Variability Science, including \$31.0 million to complete the national network of Climate Science Centers, and \$62.5 million to complete the national network of Landscape Conservation Cooperatives.**

A federal leader in natural resources science, the **U.S. Geological Survey (USGS)** has recently begun contributing to and integrating scientific data and research on the impacts climate variability is having and may have in the future on natural resources. USGS is building the knowledge and capacity to guide hunters, farmers, natural resource managers, Indian tribes, and resource-dependent businesses toward more sustainable, productive, and resilient management practices. In particular, the establishment of eight regional **Climate Science Centers** as well as a national network of **Landscape Conservation Cooperatives** will provide a scientific base for adaptive land and water management decisions related to climate variability. By building on the body of basic research conducted by the atmospheric research community and applying it to benefit society, USGS's climate science and adaptation programs leverage the value of the entire national scientific enterprise.

With the establishment of a National Climate Change and Wildlife Science Center in 2008 and its current effort to complete a national network of eight Climate Science Centers and 21 Landscape Conservation Cooperatives, USGS is focusing on impacts such as wildlife migration patterns, wildfire risk, drought, coastal erosion, and invasive species. These programs will bring critical regional information to local and regional resource managers and decision makers. The eight Climate Science Centers, based at national universities that serve different areas of the country, will advance the science by teaming with other universities and national laboratories to conduct research and develop computer models that can better predict the extent and impacts of climate variability on natural resources. The nationwide network will serve the Alaska, Pacific Islands, Northwest, Southwest, North Central, South Central, Northeast, and Southeast regions. Landscape Conservation Cooperatives will in turn engage with other federal agencies, states, tribes, and local partners, to develop products and craft strategies that are based on the science and can be easily translated into adaptive management solutions. The network of 21 Landscape Conservation Cooperatives extends across the U.S. and into Mexico and Canada.

The National Oceanic and Atmospheric Administration (NOAA) has plans to develop a NOAA Climate Service that operates in coordination to the DOI climate science centers and that will differ markedly from the DOI programs. While NOAA climate services will focus on coastal and marine resource management and adaptation, and impacts on commerce, DOI climate services are directed toward

adaptation and management of natural and cultural trust resources that include water resources, land use changes, ecosystems, biodiversity, and natural resource restoration. In order to improve coordination between the agencies and avoid any potential overlap or duplication, NOAA and DOI entered into a Memorandum of Understanding in July 2010 that clearly delineates boundaries and roles for each agency regarding climate-related activities. The efforts of the two agencies to provide much needed guidance regarding adaptation to climate variability in all regions should serve the country effectively.

Thank you in advance for your support of USGS efforts to add to and disseminate knowledge that will enable stakeholders to protect and more efficiently use our natural resources as evolving long-term weather patterns bring changes that must be addressed.

1099



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

John R. D'Antonio, Jr., P.E.
State Engineer

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March 4, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the States of New Mexico, Colorado, Utah and Wyoming, Indian tribes, federal agencies and water, power and environmental interests. These programs are recovering four species of endangered Colorado River fish such that they can each be removed from the federal endangered species list and providing critically important Endangered Species Act (ESA) compliance for over 2,100 federal, tribal, state and private water projects across the Upper Colorado River Basin. Through these efforts, water use and development has continued in our growing western communities in full compliance with the ESA, state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. The President's recommended budget for FY 2012 includes FWS funding at the levels I request for these programs. The State of New Mexico requests action by the Subcommittee to:

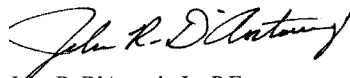
1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") for fiscal year 2012 to allow the U.S. Fish and Wildlife Service (FWS) Region 6 to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

The Honorable Michael K. Simpson, Chairman
 The Honorable James P. Moran, Ranking Member
 March 4, 2011
 Page 2

2. Appropriate \$200,000 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to allow FWS Region 2 to continue its essential participation in the San Juan River Basin Recovery Implementation Program during fiscal year 2012.
3. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

The past support and assistance of your Subcommittee has greatly facilitated the success of these multi-state, multi-agency programs. The State of New Mexico gratefully thanks you for your support. We once again request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important, region-wide cooperative endangered species recovery programs. Thank you for your consideration of my request.

Sincerely,



John R. D'Antonio Jr., P.E.
 Upper Colorado River Commissioner
 State of New Mexico

JRD/ke

cc: Representative Ben Ray Luján
 Representative Martin Heinrich
 Representative Steve Pearce
 Governor John Hickenlooper
 Governor Gary R. Herbert
 Governor Mathew H. Mead

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Upper Gunnison River Water Conservancy District

210 West Spencer Avenue, Suite B • Gunnison, Colorado 81230
Telephone (970) 641-6065 • Facsimile (970) 641-1162 • ugrwcd@ugrwcd.org

Name: Brett Redden
Title: President, Board of Directors
Organization: Upper Gunnison River Water Conservancy District

March 28, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

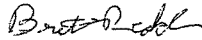
1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

Upper Gunnison River Water Conservancy District

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Redden", with a stylized flourish at the end.

Brett Redden
970-641-6065
970-641-1162 (fax)
ugrwcd@ugrwcd.org

**Testimony of Nancy Warren
Of the Upper Peninsula Public Access Coalition
In Support of the Land and Water Conservation Fund
Hiawatha National Forest, Michigan
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

On behalf of the Upper Peninsula Public Access Coalition (UPPAC), I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

UPPAC is a volunteer organization comprised of concerned citizens dedicated to the protection and preservation of the region's environmental quality and way of life. The common thread that connects us all is our appreciation for the aesthetic beauty of undisturbed shorelines as well as our use, enjoyment and deep concern for the lakes, streams, rivers and woodlands of Michigan's Upper Peninsula.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the U.S. Forest Service included \$1.5 million for the acquisition of land in the Hiawatha National Forest in Michigan in the President's Budget. I am pleased that this funding was included in the request and urge Congress to provide the full President's Budget amount for LWCF so that this important project can receive this needed funding.

With its pristine rivers, winding streams, and vast wilderness areas, Michigan's Upper Peninsula shapes the rugged character of the upper Great Lakes region. Ensuring the lasting protection of this region's diverse ecosystems, preserving sensitive wildlife habitat, and securing lasting recreational opportunities are important conservation objectives identified by the U.S. Forest Service that further the goals of the Great Lakes Restoration Initiative, established by Presidential Executive Order in February 2009.

The Great Lakes, Great Lands – Upper Peninsula conservation project was ranked by the Eastern region of the Forest Service as its top acquisition priority in FY 2012. This project will greatly advance the objectives of the Great Lakes Restoration Initiative and the Northwoods Climate Change Response Framework by incorporating more than 3,500 acres of private land in the Upper Peninsula into the Ottawa and Hiawatha national forests.

The FY 2012 Great Lakes, Great Lands request builds on past conservation successes in the Upper Peninsula. In FY 2010, Congress appropriated \$1.3 million to protect the Prickett Lake parcel, which is immediately adjacent to the iconic Sturgeon River Gorge Wilderness and located within the Ottawa National Forest. Another Great Lakes, Great Lands property in the Ottawa National Forest is the Victoria Lake parcel that will protect important lands along the West Branch of the Ontonagon Wild and Scenic River and, like the Prickett Lake tract, is traversed by portions of the North County National Scenic Trail. Pending approval of the FY 2011 federal budget with funding to acquire the Victoria Lake property, the Great Lakes, Great Lands conservation focus will turn to protecting important inholdings within the Hiawatha National Forest referred to as the Hiawatha Watershed Health Project.

The Hiawatha Watershed Health Project is a landscape-scale conservation project focusing on the restoration and maintenance of watersheds that serve the central and eastern portions of the Upper Peninsula. The Hiawatha National Forest is seeking to acquire strategic inholdings from Plum Creek Timber Company that will result in the cost effective consolidation of federal ownership, the protection and conservation of the watersheds of Lakes Superior, Michigan, and Huron, and the promotion of the local tourist economy as new lands are permanently opened for the public to explore.

With more than 400 lakes and five National Wild and Scenic river ways, protecting land in the Hiawatha offers an unparalleled opportunity for watershed protection. Nearly 46 percent of the Hiawatha is wetland and approximately 775 miles of rivers and streams on the forest empty into the Great Lakes. Conservation of the Hiawatha inholdings will permanently protect lands within the Whitefish Wild and Scenic River watershed including a parcel situated at the northernmost section of Davies Lake that runs alongside the popular Bay de Noc to Grand Island Trail. The Stonington inholdings in the southern Hiawatha are bisected by the Big and Ogontz Rivers that drain into Ogontz Bay in Lake Michigan. The Hiawatha Watershed Health Project also aims to protect habitat for a number of species facing extinction. The tracts to be acquired offer secluded older forests, whose habitat favors the recovery of the endangered Eastern grey wolf, the threatened Canada lynx, and other imperiled species like the northern goshawk and the red-shouldered hawk.

Adding more than 2,500 acres of private land to the Hiawatha National Forest will bolster the Upper Peninsula's outdoor recreation economy. With over 800,000 acres to explore and more than 1.5 million visitors per year, the Hiawatha is an exceptional outdoor recreation destination. Every spring and fall, hunters and anglers flock to the forest to hunt for bear and white-tailed deer and fish for steelhead and brook trout. The summer season attracts hikers, anglers, mountain bikers, campers, and sightseers, and in the winter, the "lake effect" drops an average of 200 inches of snow for snowmobilers and cross-country skiers to enjoy. The forest also includes

more than 2,000 miles of forest road that are open for motorized use. Acquisition of the Hiawatha inholdings proposed in FY 2012 will prevent the possible subdivision and development of key tracts, thus allowing traditional uses to continue unimpeded. Permanently opening private lands in the Hiawatha for the public to enjoy will enhance recreational opportunities in the forest and help support local recreational and related industries.

Protecting watersheds and forestland in the Hiawatha National Forest will also add important value to efforts by the Northwoods Climate Change Response Framework as these landscapes play an increasingly important role in sequestering carbon. The Northwoods Climate Change Response Framework, led by the U.S. Forest Service, is working to develop adaptive management strategies to help the region's forests thrive in a changing climate. Consolidating federal ownership in the Hiawatha will secure large forest blocks where new science-based management protocols can be tested and applied.

The Great Lakes, Great Lands – Upper Peninsula project represents a substantial step toward achieving landscape-scale conservation and supporting the objectives of the Great Lakes Restoration Initiative. An allocation of \$1.5 million from the Land and Water Conservation Fund in FY 2012 to acquire private inholdings within the Hiawatha National Forest will provide significant watershed protection, safeguard substantial wildlife habitat, and cement the Upper Peninsula's reputation as a premier outdoor recreation destination.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Michigan, and I appreciate your consideration of this funding request.

Sincerely,

Nancy Warren
Upper Peninsula Public Access Coalition
PO Box 102
Ewen, MI 49925

USGS Coalition

Testimony of the
USGS Coalition
 Dr. Craig Schiffries and Dr. Robert Gropp, Co-Chairs

Regarding the
U.S. Geological Survey
 FY 2012 Budget Request

To the
U.S. House of Representatives
 Committee on Appropriations
 Subcommittee on Interior, Environment, and Related Agencies

April 1, 2011

Summary

The USGS Coalition appreciates the opportunity to provide testimony about the President's budget request for the United States Geological Survey (USGS) for fiscal year 2012. The USGS Coalition urges Congress to appropriate at least \$1.2 billion for the USGS in FY 2012.

The USGS is uniquely positioned to address many of the nation's greatest challenges. The USGS plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing emergency responders with geospatial data to improve homeland security, assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources), and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every state and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 federal, state, local, tribal and private organizations.

The USGS budget has been reorganized to reflect the agency's new structure. The FY 2012 budget is now organized along the six crosscutting themes from the USGS science strategy, *Facing Tomorrow's Challenges – U.S. Geological Survey Science in the Decade 2007-2017* (USGS, 2007). The budget request also includes a new National Land Imaging account that focuses on operation of Landsat satellites.

The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and services. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the nation.

Essential Services for the Nation

Established by Congress as a branch of the Department of the Interior in 1879, the U.S. Geological Survey has a truly national mission that extends beyond the boundaries of the Nation's public lands to positively impact the lives of all Americans. The USGS plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our nation's living, mineral, and energy resources. Through its offices across the country, the USGS works with over 2,000 partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples are provided below.

A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that society remains vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2010, provide compelling evidence that the United States must have the data to inform further actions to reduce risks from natural hazards.

Providing the information necessary to mitigate the impacts of natural hazards is a core function of the USGS. The USGS operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the nation. It monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enable the National Weather Service to issue flood warnings. The USGS and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and rangeland managers with forecasting fire risk and managing natural systems following fires. The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year.

USGS assessments of mineral and energy resources – including rare earth elements, unconventional natural gas resources, and geothermal resources – are essential for making informed decisions about the nation's future. Widespread deployment of new energy technologies can reduce greenhouse gas emissions, mitigate climate change, and reduce dependence on foreign oil. Many emerging technologies depend on rare earth elements and other scarce elements that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements although it has only 36 percent of identified world reserves (USGS, 2010). A renewed federal commitment to innovative research, information, and education on mineral and energy resources is needed to address these issues.

The USGS provides scientific information on water availability and quality of the United States to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000

surface-water and groundwater sites. This information is needed to effectively manage freshwaters, both above and below the land surface, for domestic, public, agricultural, commercial, industrial, recreational, and ecological uses.

The USGS plays a critical role in bioinformatics and managing natural resources, activities that are essential to our economy, security, and environment. The USGS provides fundamental scientific data that informs management of natural resources, control of invasive species, and monitoring of wildlife diseases that can cause billions of dollars in agricultural losses. The USGS provides critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources.

Funding Shortfall

The USGS budget has been nearly stagnant in real dollars since 1996 (Figure 1). The USGS budget for FY 2010 is lower than the USGS budget for FY 2001 in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. Federal funding for non-defense R&D has increased significantly while funding for the USGS stagnated for more than a decade.

President Obama's FY 2012 budget request for the U.S. Geological Survey is \$1.118 billion, a decrease of \$15 million or 1.3 percent below the USGS budget request for FY 2011. Although there is a \$6 million increase in the total USGS budget request for FY 2012 compared to the FY 2010 enacted level, the FY 2012 budget request contains significant cuts in many programs that are offset by increases in other areas, including a \$48 million increase in a new National Land Imaging account that focuses on operation of Landsat satellites.

It appears that responsibilities for Landsat satellites have been transferred from NASA to USGS without a corresponding transfer of budget authority. In the USGS budget request for FY 2012, budget increases for National Land Imaging are offset by budget decreases for core USGS science programs. This trend cannot continue without compromising the mission of the U.S. Geological Survey. Past experience indicates that the cost of operating Landsat is likely to rise significantly in future years with the launch of Landsat 8, 9, and 10.

The USGS budget request for FY 2012 includes \$89.1 million in program reductions in valuable, long-standing programs. The proposed budget cuts would have significant negative impacts on core scientific capabilities of the USGS. Proposed budget cuts in the FY 2012 USGS budget request include:

- \$9.8 million for Biological Information Management and Delivery,
- \$9.6 million for Mineral Resources,
- \$8.9 million for National Water Quality Assessment,
- \$6.5 million for Water Resources Research Act Program, and
- \$4.7 million for Earthquake Hazards.

The USGS Coalition urges Congress to appropriate at least \$1.2 billion for the USGS in FY 2012, a level that will support critical USGS programs that improve health and safety and provide the basis for future jobs and economic growth.

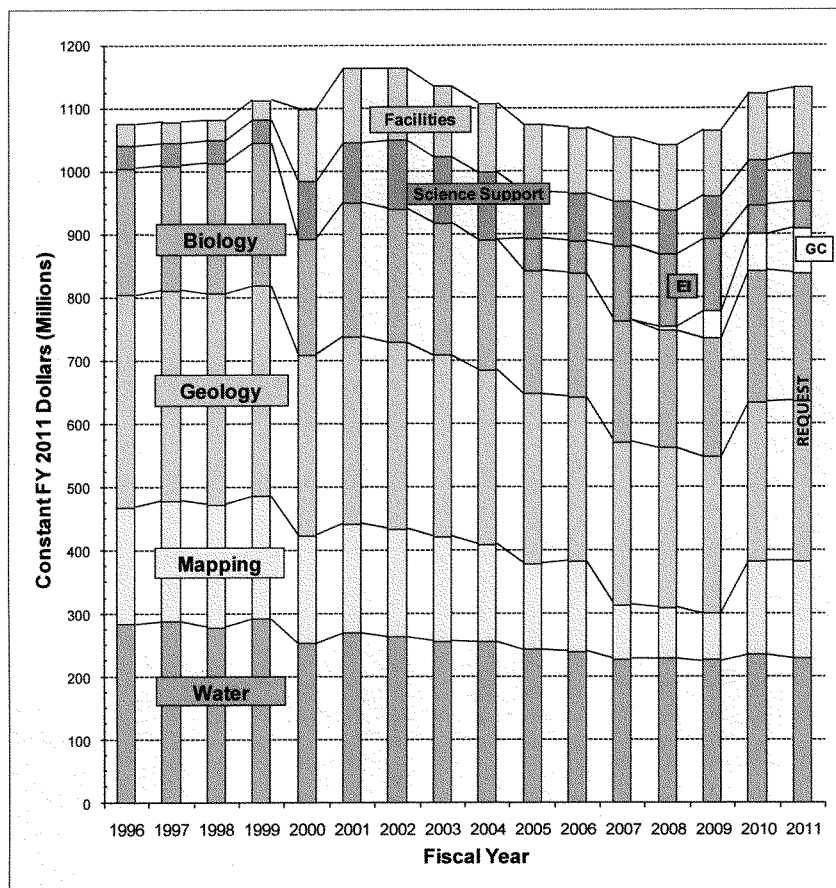


Figure 1. USGS funding in constant 2011 dollars, FY 1996 – FY 2011. EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

The USGS Coalition is grateful to the House Interior Appropriations Subcommittee for its past leadership in strengthening the U.S. Geological Survey. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the USGS Coalition, please visit www.USGScoalition.org or contact co-chairs Robert Gropp of the American Institute of Biological Sciences (rgropp@aibs.org) or Craig Schiffries of the Geological Society of America (cschiffries@geosociety.org).

1110

Name: Carly B. Burton
Title: Executive Director
Organization: Utah Water Users Association

March 25, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Page 2

recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/s/ Carly B. Burton

Executive Director
Phone: (801) 268-3065
Fax: (801) 261-4069
E-mail: utahwaterusers@aol.com

**Testimony of
Joanna Grist, Executive Director
Washington Wildlife Recreation Coalition
In Support of the Land and Water Conservation Fund
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member**

March 28, 2011

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2012 Interior Appropriations Bill. In an historic embrace of conservation, the President's Budget request includes full funding of LWCF in FY 2012. The proposed \$900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the Land and Water Conservation Fund: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in FY 2012, the Administration included nine project funding requests for the protection of land across the state of Washington in the President's Budget. I am pleased this funding was included in the President's Budget and urge Congress to provide the full amount requested so that these important projects in Washington State will receive their share of funding.

Washington is fortunate to have outstanding public lands supporting its conservation and recreation heritage. From most high points in Seattle a resident or visitor is beckoned by the sight of the snow covered peak to the south sometimes hovering in the sky through the haze of the afternoon. Mount Rainier is one of our state's great symbols and has been protected in a national park since 1899. Across Puget Sound, a major water and economic resource of its own, the same viewer can see the jagged outlines of the Olympic Mountains, particularly stunning as the sunsets turn the mountains purple and the sky into layers of orange. The long line of the Cascades from the Canadian border to the Columbia River Gorge is protected in four national forests and is accessible via the Pacific Crest National Scenic Trail. Along not only Puget Sound, the Pacific Coast, and the Columbia River, but also the hills and open lands of eastern Washington lie exceptional habitats protected within national wildlife refuges for a diversity of species.

These parks, forests, refuges, and trails are generators for Washington's economy. The Outdoor Industry Foundation (OIF) estimates that outdoor recreation throughout the state contributes \$11.7 billion annually to Washington's economy. This activity supports 115,000 jobs and produces \$8.5 billion annually in retail sales and services – 3.5% of the gross state product. OIF found that 44% of Washingtonians view wildlife, 39% use trails, 36% camp, and 32% ride bicycles for recreational purposes.

In addition to fueling these economic engines for Washington's gateway communities, LWCF improves the management of the public lands in our state. These measures make for better recreational experiences on the land, sustain habitats for wildlife, and ensure quality water supplies. They also reduce costs in fighting fires, controlling invasive species, and maintaining property boundaries. LWCF accomplishes these management improvements largely because most of the funds go towards the acquisition of inholdings, private lands bordered on two, three, or four sides by existing public lands.

Washington has two excellent examples of LWCF purchases reducing costs and improving public land experiences. First, in 2004, Congress passed a law to expand the boundaries at the northwestern entrance of Mount Rainier National Park. For many years flooding would wipe away parts of the Carbon River Road and make the trailheads, campsites, and other visitor facilities inaccessible. The expansion and subsequent purchase of land via LWCF funding has allowed the National Park Service to begin the process of moving facilities to higher ground, removing the future costs and burdens from frequent floods. Second, in the central Cascades, much of the land ownership pattern resembles a checkerboard. Public lands are interspersed with private lands. For many years LWCF funds have been used by the Forest Service to acquire priority checkerboard properties that increase recreational access, improve segments of the Pacific Crest Trail, and safeguard consolidated blocks of prime mountain and forest wildlife habitat and river watersheds that supply population centers like Seattle and Tacoma.

Within the FY 2012 President's Budget, there are requests for LWCF funds at three Fish and Wildlife Service refuges, two National Park Service units, and four Forest Service sites in Washington:

U.S. Fish and Wildlife Service

Nisqually National Wildlife Refuge: \$1.5 million

These funds would be used to acquire lands at the Black River Unit and along the Nisqually River delta into Puget Sound in order to consolidate holdings, preserve wintering habitat for migratory birds, and protect wetlands habitat for fisheries.

Willapa National Wildlife Refuge: \$500,000

The proposed properties are surrounded by refuge lands and would protect upland forests and wetlands for migratory and shorebirds.

Turnbull National Wildlife Refuge: \$500,000

The acquisition protects water sources, wetlands, and wildlife habitat from the growing pressures of development from nearby Spokane and Cheney.

National Park Service

Ebey's Landing National Historic Reserve: \$1.5 million

The preserve protects a portion of Whidbey Island in Puget Sound that has an historic land use pattern of prairie and farming largely unchanged since settlement in the 1850s.

Olympic National Park: \$3.551 million

Funds would be used to acquire a tract adjacent to Grandy Creek, an important fish-bearing tributary stream to Lake Quinault threatened by enhanced development.

Forest Service

Washington Cascades Ecosystem: \$1.5 million

The request continues the acquisition of checkerboard forest ownerships that prevent further habitat fragmentation, ensures access, and protects water supplies.

Columbia River Gorge National Scenic Area: \$1.23 million

Funds are for acquisitions in Washington and Oregon to protect tracts as the unit celebrates the 25th anniversary of its creation in 2011.

Pacific Crest National Scenic Trail: \$2.939 million

The multistate request for the trail includes checkerboard parcels in the central Cascades that would improve trail stewardship and access.

Pacific Northwest Streams: \$2.265 million

This Forest Service program acquires key riparian tracts in Washington and Oregon to protect waning populations of anadromous fish, including salmon.

We support these requests for LWCF funds to acquire critical tracts in the parks, refuges, and forests of Washington.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Washington, and I appreciate your consideration of these funding requests.

Joanna Grist
Executive Director
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House Committee on Appropriations
 Subcommittee on Interior, Environment, and Related Agencies
**Written Public Testimony on Fiscal Year 2012 Appropriations for State Fire Assistance and the Federal
 Land Assistance, Management and Enhancement (FLAME) Act**

Submitted By:

The Wilderness Society, Michael Francis, Forest Program Director and Acting VP of Public Policy; and,
 The National Association of State Foresters, Jay Farrell, Executive Director

March 28, 2011

As the Interior Appropriations Subcommittee considers the Fiscal Year (FY) 2012 budget for the USDA Forest Service (USFS) and the Department of the Interior (DOI), the undersigned organizations request your support to fund the State Fire Assistance (SFA) program and the Wildfire Suppression Reserve Fund established under the Federal Land Assistance, Management and Enhancement (FLAME) Act, at FY 2010 enacted levels. The undersigned agree that both the SFA program and the FLAME Act are essential response tools in addressing the threat of wildland fire associated with the accumulations of hazardous fuels and increasingly populated wildland-urban interface areas. The Wilderness Society and the National Association of State Foresters, along with other members of the Partner Caucus on Fire Suppression Spending Solutions listed below, support funding the SFA program at \$110 million in FY 2012 and the USDA Forest Service FLAME account at \$413 million in FY 2012.

The SFA program provides funding assistance to states to support local wildland firefighting preparedness, capacity building and wildland fire mitigation. This program is crucial to equipping first responders who can quickly and efficiently respond to wildland fires, thereby reducing the threat to fire-prone communities, human life and personal property. Additionally, the SFA program provides funding for Community Wildfire Protection Plans. The SFA program directly addresses the concerns over rising wildland fire suppression costs by directing resources to wildland fire preparedness and community fuels mitigation work that help reduce the number of large wildland fires. **As the Subcommittee considers funding levels for FY 2012, we urge you to fund the SFA program at \$110 million.¹**

Signed into law in October of 2009, the FLAME Act brought about an important change in the funding mechanism for wildland fire suppression with the establishment of two FLAME Funds to be used for emergency wildland fire suppression costs by the DOI and USFS. In passing the FLAME Act, Congress' intent was to eliminate the need to transfer monies from other agency programs in order to fund emergency wildland fires, a practice that had become common within the agencies to meet escalating wildland fire suppression costs; and a practice that undermined the ability of the agencies to implement other important programs including those designed to help reduce the threat of wildland fire.

As the Subcommittee considers funding levels for FY 2012 we urge you to fund the USFS FLAME account at \$413 million.² We recognize the difficult task the Subcommittee faces in the current budget climate, however we believe that appropriately funding the FLAME account is crucial to ensure that the intent of the FLAME Act is carried out. Failure to adequately fund the FLAME account could have a

¹ Comprised of \$39 million under State & Private Forestry and \$71 million under Wildland Fire Management.

² The Department of the Interior also maintains a Wildfire Suppression Reserve Fund that was funded at \$61 million in FY 2010.

disastrous impact on other programs should the agencies be forced to revert to the old practice of borrowing money to pay for suppression activities during the upcoming wildland fire seasons.

We appreciate your continued support for improving wildland fire suppression funding and ask for your support for the SFA program and FLAME Act in FY 2012.

Sincerely,

American Canoe Association, Wade Blackwood, Executive Director

American Forest & Paper Association, Elizabeth VanDersarl, Vice President, Government Affairs

American Forests, Rebecca R. Turner, Esq., Director of Public Policy

American Hiking Society, Gregory A. Miller, Ph.D., President

Appalachian Mountain Club, Susan Arnold, Vice President for Conservation

Association of Fish & Wildlife Agencies, Gary J. Taylor, Legislative Director

Biodiversity Conservation Alliance, Duane Short, Wild Species Program Director

Choose Outdoors, Bruce Ward, Senior Advisor

Colorado Wild, Rocky Smith, Forest Watch Campaign Coordinator

Conservation Northwest, Dave Wernitz, Science and Conservation Director

Environmental Protection Information Center, Scott Greacen, Executive Director

Firefighters United for Safety, Ethics, and Ecology, Timothy Ingalsbee, Ph.D., Executive Director

Flathead Economic Policy Center, Carol Daly, President

Forest Capital Partners, Brian J. Kernohan, Director of Policy

Framing Our Community, Joyce Dearstyne, Executive Director

Idaho Conservation League, Rick Johnson, Executive Director

International Association of Fire Chiefs, Chief Jack E. Parow, MA, EFO, CFO President and Chairman of the Board

International Code Council, Dan W. Bailey, Executive Director Wildland Fire, Natural Resource, Environmental & Natural Hazards Programs

Klamath-Siskiyou Wildlands Center, Joseph Vaile, Campaign Director

Lake County Resources Initiative, James K. Walls, Executive Director

National Association of Forest Service Retirees, Darrel L. Kenops, CEO/Executive Director

National Association of State Foresters, Jay Farrell, Executive Director

National Ski Areas Association, Geraldine Link, Director of Public Policy

National Woodland Owners Association, Darrel Pendris, Executive Director
Regional Council of Rural Counties, Melissa M. White, Federal Affairs Coordinator
Ruffed Grouse Society, Dan Dessecker, Director of Conservation Policy
Salmon Valley Stewardship, Gina Knudson, Executive Director
Shoshone County Board of Commissioners, Vince Rinaldi, District 1 County Commissioner
Sierra Club, Athan Manuel, Director, Public Lands Protection Program
Sierra Forest Legacy, Craig Thomas, Executive Director
Siskiyou Project, Shane Jimerfield, Executive Director
Siuslaw Institute, Johnny Sundstrom, Director
Society of American Foresters, Michael T. Goergen, Jr., Executive Vice President and CEO
Southern Appalachian Forest Coalition, Mark Shelley, Executive Director
Swan Ecosystem Center, Anne Dahl, President
The California Ski Industry Association, Bob Roberts, Executive Director
The Clinch Coalition, Steve Brooks, Director
The Forest Guild, Michael DeBonis, Executive Director
The Lands Council, Mike Petersen, Executive Director
The Watershed Research & Training Center, E. Lynn Jungwirth, Senior Fellow Policy and Development
The Wilderness Society, Michael Francis, Forest Program Director and Acting VP of Public Policy
Virginia Forest Watch, Bud Watson, Executive Director
Virginia Wilderness Committee, Laura Neale, President
Western North Carolina Alliance, Bob Gale, Ecologist
Wild South, Ben Prater, Associate Director
Wild Virginia, David Hannah, Conservation Director
Wilderness Workshop, Sloan Shoemaker, Executive Director
Wildlands CPR, Bethanie Walder, Executive Director



WYOMING WATER ASSOCIATION

Water is Wyoming's Gold

P.O. Box 21701 • Cheyenne, WY 82003-7032

Telephone: (307) 286-8614

E-mail: wwa@wyoming.com • Website: www.wyomingwater.org

Name: Nick Wambeke
Title: President
Organization: Wyoming Water Association

March 28th, 2011

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran

I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate \$706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the \$83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2012 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.
2. Appropriate \$485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the \$42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.
3. Allocate \$200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2012 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

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The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
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I request the Subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Wambeke".

Nick Wambeke, WWA President
307-742-9533
wwa@wyoming.com

NW/rg

**Testimony of the Confederated Tribes and Bands of the Yakama Nation on the
Proposed FY 2012 Budget for Matters Pending Before the House Appropriations
Subcommittee on the Interior, Environment and Independent Agencies
April 12 and 13, 2011**

Chairman Simpson, Ranking Member Moran and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies. I am Harry Smiskin, Chairman of the Tribal Council. We are not able to be there in person to testify but we hope you will accept this statement in the same spirit you would had we traveled to Washington, DC. Tribal budgets are tight and this is not travel we can afford at this time.

We want to congratulate Congressman Simpson on becoming Chairman of this Subcommittee. We are pleased to see our neighbor to the east in charge of appropriations for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). Growing up close to the Fort Hall Indian Reservation certainly must have given him an understanding of life on an Indian Reservation and we hope that experience serves him well. We have seen his very positive statement in which he has committed to try and protect BIA and IHS funding. He indicated a desire to “hold programs within BIA and IHS harmless” and he wrote that “the federal government has a responsibility to help tribes meet needs and solve problems in Indian Country . . .” We hope his views are shared by others. They certainly have been by Congressman Jim Moran as evidenced by his actions in chairing this Subcommittee and for that we are most appreciative.

The Confederated Tribe and Bands of the Yakama Nation is a federally recognized Indian Tribe and are signatories to the 1855 Treaty With The Yakama, 12 Stat. 951. Our aboriginal territory included more than 12 million acres of land that would now be viewed as much of central Washington, stretching from Mt. Rainier to the west, the town of Twisp to the north, the Palouse to the east, and the Columbia River to the south. Our reservation now consists of 1.377 million acres in south central Washington State. Pursuant to provisions in our Treaty, we retain hunting, fishing and gathering rights on open and unclaimed lands throughout our aboriginal territory. These rights have been affirmed repeatedly by the highest courts of the lands and we exercise these rights to this day, not the least of which is our right to fish in the main stem of the Columbia River according to seasons and regulations established by our government.

Mr. Chairman, the talk of shutdowns and radical budget cuts truly scares our people. Due to the tremendous influence the Federal government has on the lives of Indians who live on reservations, a shutdown would hit us harder than any other segment of the American population. Our BIA-funded schools, our IHS-funded clinics would apparently close down very quickly. This truly is a grave concern, and could, in fact, be a matter of life and death for some in our populace. And I hope the Congress – particularly your colleagues in the House who may not yet appreciate our relationship with the Federal government – seriously consider the consequences of their actions.

We understand about deficits and the need to reduce them, and I believe the Indian people would be willing to contribute their fair share for the reductions needed. But first we need to get to the point where we have something even resembling parity with what is being asked of the rest of the population outside Indian Country. There is no better example of the disparity between the amount of funding provided to general programs and the funding provided to Indian programs than to look to what the Federal government spends on health care for various federal beneficiaries. The Indian Health Service spends \$1,900 per Indian for health care. You spend \$3,700 on Federal employees for health care, \$3,800 for Federal prisoners for health care and almost \$6,000 for Veterans for health care. Are we really worth half a federal prisoner and a third of a Veteran, even when so many of our people are proud Veterans? What other explanation is there? There are similar comparative figures relative to law enforcement and natural resource management. Please point out these horrible disparities to your colleagues on the Budget and Appropriations Committees and ask them if they can see cutting funding for our people as anything but a travesty. Tell them about our lack of infrastructure, our water systems, our homes and our roads and ask them if, in good conscience, they can cut our budgets. Get us to parity first Mr. Chairman, and then we will do our share. Until then, any further cuts to our services only aggravate the unjust inequities that the Federal government perpetuates in Indian Country year after year.

An area where this disparity hits us hard is the BIA's Forestry budget. The allocations for this budget are feeble as it is. We have one of the largest privately owned forests in the United States, but we cannot cut timber until we have complied with myriad Federal regulations including environmental regulations. We do not object to those regulations and we are proud of the leadership role we have played in managing our forests in a manner that protects the habitat of the Northern Spotted Owl, but we are not able to undertake sustainable harvest practices unless we have sufficient staff to manage the work requires. We are leaving much timber standing simply because we can't staff the jobs necessary. This includes salvage cuts for wood that has been infested with beetles and will lose its commercial value if we don't cut it. We know you can't earmark the BIA's budget to give us more forestry funds but we do ask that you increase the BIA's overall forestry budget and that you direct them to report back to you on our needs so that we realize income from this renewable product. The current BIA funding for these types of endeavors is woefully inadequate already. Further cuts will only continue to damage our forests and our economy.

The Yakama Nation supports the \$1 million increase requested for BIA TPA Forestry, but must note the program's overall insufficiency and urge that \$5 million be added to start moving BIA TPA Forestry toward funding that is adequate and equal to that for other federal timber management agencies. Two independent reports (IFMAT reports 1993, 2003) have documented that total BIA Forestry per-acre management funding is less than half that of the National Forest System. More recent and specific reviews have shown that BIA TPA Forestry, which is primarily for on-going forest and harvest management, has fallen further and further behind both inflation and program adjustments for other federal forest management agencies. So, in addition to retaining the Administration's requested \$1 million increase to BIA TPA Forestry, we

ask that an additional \$5 million be added to begin moving the on-going trust forest management program toward equity.

Similar problems arise in the realm of public safety administration. Most Indian communities have 2-3 officers charged with patrolling lands the size of Delaware (2044 square miles). This severe understaffing contributes to an unacceptable high crime rate and poor protection for Tribal Members and other residents in Indian Country.

The Indian Reservation Roads (IRR) program which suffers from a nearly \$40 billion construction backlog poses similar problems for large land-based Tribes like the Yakama Nation. We ask the Committee to examine the formula and realize how it is being abused. You would be well served to convene a hearing just on the issue of BIA road funding and formula by which it is allocated. Small tribes with almost no reservation roads but who are located near urban areas are counting (under the Vehicle Miles Traveled part of the formula) thousands of cars traveling on off reservation roads under the concept that those roads "access" an Indian reservation. There are situations in which tribes that have few miles of roads are getting many times what tribes like Yakama or the tribes in Idaho for that matter are getting. Schedule a meeting with the Coalition of Large Land Based Tribes and you will be very impressed and amazed by what you hear.

Contract Support Costs (CSC) continue to be underfunded by many tens of millions of dollars every year. CSC shortfalls force Tribal governments to use program funds to cover needs. The Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638, mandates that Indian Tribes be paid full contract support costs. There is no other government contractor that is forced to subsidize federal contracts. Tribal Priority Allocations is yet another problematic area. Tribal Priority Allocations is one of the most important funding areas for Tribal governments. It covers such needs as economic development, general assistance, and natural resource management. This budget continues to be cut when there is an estimated need of \$2.8 billion.

Effective and culturally relevant education is critical for nurturing strong, prosperous Tribal youth and laying the foundation for healthy communities. Native people are twice as likely to have less than a ninth-grade education and only 12% of American Indians residing on reservations have college degrees compared to over 30% for the entire U.S. population.

We do not view services to tribal people as earmarks nor should a system that delivers water or provides other basic aspects of infrastructure be considered discretionary. These are components of infrastructure that most off-reservation communities take for granted and have provided by federal, state and municipal government for decades. Please make sure we are not cut off just as we are beginning to see real progress in Indian Country.

Thank you for your time and consideration. Please contact me at Harry@yakama.com if you have any questions.



YUKON-KUSKOKWIM HEALTH CORPORATION
 "Working Together to Achieve Excellent Health"

**Hearing before the House Appropriations Committee
 Subcommittee on Interior, Environment and Related Agencies
 on the Fiscal Year 2012 Budget**

**Testimony of Gene Peltola, President/Chief Executive Officer
 Yukon-Kuskokwim Health Corporation**

April 12-13, 2011

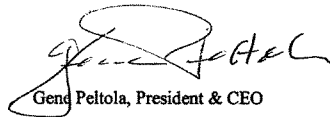
My name is Gene Peltola and I write on behalf of the Yukon-Kuskokwim Health Corporation (YKHC) to strongly endorse testimony submitted to the committee by the National Tribal Contract Support Cost Coalition. As the Coalition's testimony notes, it is absolutely imperative that in FY 2012 the Indian Health Service finally meet its legal obligation to pay in full the contract support costs which it owes under our self-governance compact and annual funding agreement, as well as the amounts owed to all other Tribes and tribal organizations carrying out contracts with IHS. According to IHS, in FY 2012 this will require an appropriation of \$615 million, an increase of \$153 million above the President's Budget Request.

YKHC last year suffered a nearly \$4 million shortfall in the contract support costs which IHS owed us under our self-governance compact and funding agreement, and we will experience the same shortfall this year. This is an enormous financial penalty, particularly when you consider that YKHC contracts with the federal government to administer federal healthcare services to 58 federally-recognized Tribes located across a roadless area covering 75,000 square miles, nearly the size of Idaho and almost twice the size of Virginia. Cutting almost \$4 million out of our direct care budget every year in order to cover the fixed costs which, by law and by contract, IHS is obligated to pay, causes untold hardship for our tribal communities struggling with some of the most severe healthcare conditions in the United States.

While we appreciate that there are many priorities competing for Congress's attention, we do not think it is too much to ask that the government honor a contract that we at YKHC have honorably carried out in full, year in and year out, and with far greater results and standards of excellence than were ever present when the healthcare system in our area was operated by IHS.

YKHC therefore strongly supports the testimony submitted to the Committee by the National Tribal Contract Support Cost Coalition.

YUKON KUSKOKWIM HEALTH CORPORATION



Gene Peltola, President & CEO

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